



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Regular Meeting Agenda Planning and Zoning Commission

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Tuesday, June 27, 2023

6:00 PM

City Council Chambers

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**This will be a hybrid (in-person/virtual meeting). To view the meeting please go to <http://www.sanmarcostx.gov/541/PZ-Video-Archives> or watch on Grande channel 16 or Spectrum channel 10**

- I. Call To Order
- II. Roll Call
- III. Chairperson's Opening Remarks
- IV. Citizen Comment Period

*Persons wishing to comment during the Citizen Comment Period must submit their written comments or requests to [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the meeting. Please indicate if you would like to speak in person or virtually. A link to join by phone, mobile device, laptop or desktop will be sent. Timely submitted written comments will be provided to the Commission prior to the meeting. Comments shall have a time limit of three minutes each.*

### CONSENT AGENDA

*THE FOLLOWING ITEM NUMBERED 1. MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COMMISSIONER OR A CITIZEN, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.*

1. (PC-04-10 Cottonwood Creek Master Plan Renewal) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for an amendment and renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (K. Buck)

### PUBLIC HEARINGS

*Interested persons may join and participate in any of the Public Hearing items (2-5) by:*

- 1) *Sending written comments\*; or*
- 2) *Requesting a link to speak during the public hearing portion of the virtual meeting, including which item you wish to speak on\*.*
- 3) *Requesting to speak in person in the Council Chambers, including which item you wish to speak on*

*\*Written comments or requests to join in a public hearing must be sent to [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) no later than 12:00 p.m. on the day of the hearing. Comments shall have a time limit of three minutes*

*each. Any threatening, defamatory or other similar comments prohibited by Chapter 2 of the San Marcos City Code will not be allowed. To view the meeting please go to <http://sanmarcostx.gov/541/PZ-Video-Archives> to view the live stream, or watch on Grande Channel 16 or Spectrum Channel 10. For additional information on making comments during the Public Hearings please visit <http://www.sanmarcostx.gov/3103/Citizen-Comments-Hybrid-Meetings>*

2. CUP-23-14 (The Cigar Vault) Hold a public hearing and consider a request by Jeff Beal, on behalf of The Cigar Vault, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 122 N LBJ Drive. (C. Garrison)
3. CUP-23-16 (Gus's Fried Chicken) Hold a public hearing and consider a request by Janet C. Hickerson, on behalf of Gus's Fried Chicken, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 110 E. Martin Luther King Drive, Suite 106. (K. Buck)
4. PC-22-79 (Millview Addition Replat) Hold a public hearing and consider a request by Chad Respondek, on behalf of ST Duran Real Estate, LP, for approval of a Replat of the Millview Addition, Lots 10-13, creating Block 1, Lot 1 to be known as the On the Grind Subdivision, consisting of approximately 0.757 acres and generally located at the southwest corner of the Aquarena Springs Dr. and Thorpe Ln. intersection. (W. Rugeley)
5. ZC-23-05 (Basler Estates) Hold a public hearing and consider a request by Doucet and Associates, on behalf of Roni Realty LLC, FREIT LLC, and Elgin Ventures LLC, for a Zoning Change from Character District-3 (CD-3) to Character District-5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 24.48 +/- acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474 in Hays County Texas, generally located on S Old Bastrop Hwy approximately 550' southwest of the intersection between S Old Bastrop Highway and Rattler Rd. (J. Cleary)

#### V. Question and Answer Session with Press and Public.

*This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

#### VI. Adjournment

#### Notice of Assistance at the Public Meetings

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*



I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Title:



## Legislation Text

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**File #:** PC-04-10\_01O, **Version:** 1

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**AGENDA CAPTION:**

(PC-04-10 Cottonwood Creek Master Plan Renewal) Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for an amendment and renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (K. Buck)

**Meeting date:** June 27, 2023

**Department:** Planning & Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:**

N/A

N/A

N/A

**Comprehensive Plan Element (s):**

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☒ Not Applicable

**Master Plan:** N/A

Choose an item.

**Background Information:**

The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission on May 28, 2002. Approval of the Master Plan may be extended for one-year periods by consent of the Commission. It was last renewed by the Planning & Zoning Commission in June 2022.

The current renewal includes one amendment to reflect a zoning change which was approved by City Council in March, 2023.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of PC-04-10\_01O as presented.

**Plat – Master Plan  
PC-04-10\_010**

**Cottonwood Creek  
Master Plan Renewal**



**Summary**

<b>Request:</b>	Renewal of a mixed-use Master Plan with the potential for 2,219 residential lots, 555 multifamily units, and 165 duplex units.		
<b>Applicant:</b>	Ramsey Engineering, LLC 3206 Yellowpine Terrace Austin, TX 78757	<b>Property Owner:</b>	Cottonwood Creek JDR, Ltd. 330 Wonder World Drive San Marcos, TX 78666
<b>Parkland Required:</b>	N/A	<b>Utility Capacity:</b>	Extension required at the expense of the developer.
<b>Accessed from:</b>	Rattler Road	<b>New Street Names:</b>	N/A

**Notification**

<b>Published:</b>	N/A
<b>Response:</b>	None as of the date of this report

**Property Description**

<b>Location:</b>	Rattler Road at Highway 123		
<b>Acreage:</b>	471.94 acres	<b>PDD/DA/Other:</b>	Development Agreement- Cottonwood Creek
<b>Existing Zoning:</b>	SF-6, DR, PH-ZL, TH, P, GC, MF-12, MF-18	<b>Preferred Scenario:</b>	Low Intensity / Medium Intensity / Open Space
<b>Proposed Use:</b>	Residential Subdivision		
<b>CONA Neighborhood:</b>	Cottonwood Creek	<b>Sector:</b>	5

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	ETJ	Vacant	Low Intensity
<b>South of Property:</b>	ETJ	Vacant	Low Intensity
<b>East of Property:</b>	ETJ	Vacant	Low Intensity
<b>West of Property:</b>	P	San Marcos High School	Medium Intensity

**Staff Recommendation**

<b>X</b>	<b>Approval as Submitted</b>	Approval with Conditions / Alternate	Denial
<b>Staff:</b> Kaitlyn Buck			
<b>Title:</b> Planner		<b>Date:</b> June 27, 2023	

**History**

The Master Plan for Cottonwood Creek Subdivision was originally approved by the Planning and Zoning Commission on May 28, 2002. Approval of the Master Plan may be extended for one-year periods by consent of the Commission. It was last renewed by the Planning & Zoning Commission in June 2022.

**Additional Analysis**

The applicant is requesting to update the Master Plan to reflect the zone change that was approved by City Council on March 21, 2023. The approved zone change rezoned 2 acres of commercial land in Phase 3 to CD-4.

**Plat – Master Plan**  
**PC-04-10\_01O**

**Cottonwood Creek**  
**Master Plan Renewal**

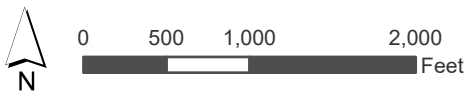


Evaluation			Criteria for Approval (Sec.3.2.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			The subdivision concept plat is consistent with all applicable standards and requirements for the property and any prior approvals listed in Section 3.2.1.2;
		<u>X</u>	The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities conform to the Comprehensive Plan and any approved City Master Plans or Capital Improvement Plans;
<u>X</u>			The proposed provision and configuration of roads, electric, water, wastewater, drainage and park facilities, and easements and rights-of-way are determined to be adequate to serve each phase of the development in accordance with Section 3.5.1.1;
<u>X</u>			The schedule of development is feasible and prudent, and assures that the proposed development shall progress to completion within the limits proposed;
<u>X</u>			The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the subdivision concept plat; and
		N/A	Where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and is subject to an interlocal agreement under Tex. Loc. Gov't Code Ch. 242, the proposed subdivision concept plat meets any county standards to be applied under the agreement.





- Subject Property
- Parcel
- City Limit



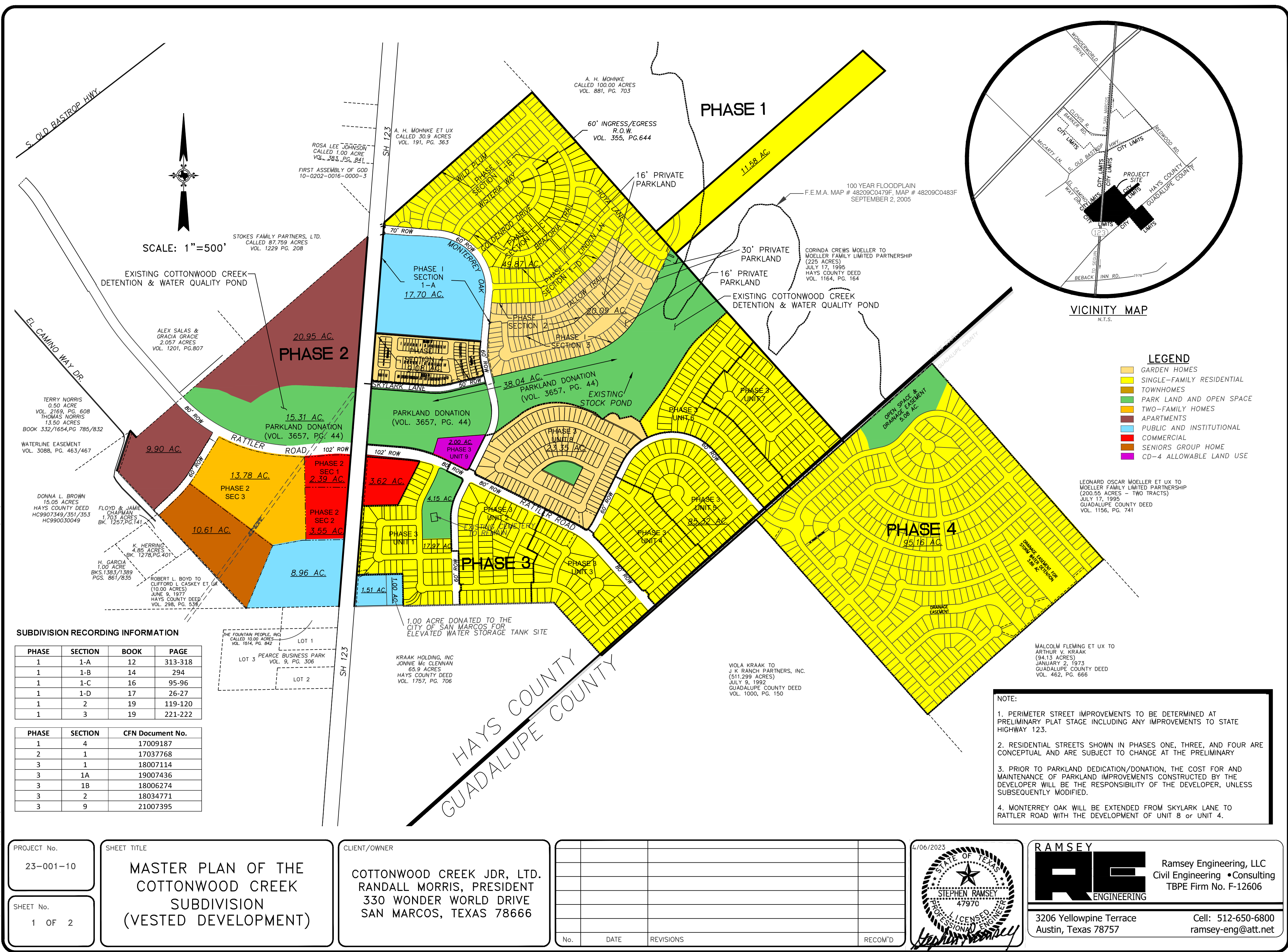
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/24/2023





G:\CompanyData\Clients\0420-Ramsey Engineering, LLC\0420-133-21-Cottonwood Creek Master Plan Renewal\2023-MASTER PLAN\DWG [18x24] April 06, 2023 - 11:40am





Development Plan Summary

Land Use Category	Areas	Current FLUM Designation	Existing Zoning	Proposed Zoning	Allowable Density	Proposed /Allowabl e Units	Population Per Unit	Estimated Population
	(acres)				(units/acre)			
Single-Family Residential	135.19	Low Density Residential	SF-6	—	6	954	2.75	2,624
Single-Family Residential	11.58	Low Density Residential	SF-6	—	<1	4	2.75	11
Garden Homes	52.47	Medium Density Residential	PH-ZL	—	12	630	2.10	1,323
Apartments	30.85	High Density Residential	MF-18	—	18	555	2.10	1,166
Two-Family Homes	13.78	Medium Density Residential	DR	—	12	165	2.10	347
Seniors Group Home	10.61	Medium Density Residential	MF-12	—				
Townhomes	17.97	Medium Density Residential	TH	—	12	216	2.10	454
Single-Family Residential	95.16	Low Density	SF-6	—	6	414	2.75	1,139
Commercial	9.56	Commercial	GC/C	—				
CD-4 Allowable Land Use	2.00	CD-4	CD-4	—	24	48	2.10	101
Public and Institutional	29.17	Public	P	—				
Parkland	53.35	Parkland	P	—				
Private Park	9.70	Open Space	P	—				
Totals	471.39					2,986		7,165

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
102' ROW Boulevard Arterials	630
80' ROW Arterials	3,822
70' ROW Arterials	320
60' ROW Collectors	12,104
50' ROW Residentals	48,603
20' ROW Alleys	6,200

Cottonwood Creek Subdivision - Phase 1 Section 1-A

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Allowable Density	Allowable Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Public and Institutional	17.70	Public	P	—				
Totals	17.70							

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
70' ROW Arterials	320
60' ROW Collectors	1,286

THE FOLLOWING NOTE IS ADDED IN ACCORDANCE WITH 5/28/02 PLANNING AND ZONING COMMISSION APPROVAL:

THE EXISTING LAND USE FOR THE TOTAL LAND AREA IS VACANT (AGRICULTURAL AND RANCHING)

~~THE FOLLOWING NOTE IS ADDED IN ACCORDANCE WITH 5/10/05 PLANNING AND ZONING COMMISSION APPROVAL:~~  
05/02/11 HEREBY DELETED

~~THERE WILL BE FOUR(4) LOTS FRONTING ON CYPRESS PARKWAY, AT/NEAR THE TERMINUS OF CYPRESS PARKWAY, WITH 50 FOOT MINIMUM WIDTH EACH, BACKING UP TO THE ADJACENT ASGS LAKE.~~

Cottonwood Creek Subdivision - Phase 1 Section 1-B

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Actual Density	Actual Units	Population Per Uni *	Estimated Population
	(acres)				(units/acre)			
Single-Family Residential	19.32	Low Density Residential	SF-6	—	5.3	102	2.75	281
Totals	19.32					102		281
* Source : City of San Marcos and 2000 Census.								
Streets and Alleys Type	Estimated Distance In L.F.							
60' ROW Residentals	2,966							

Cottonwood Creek Subdivision - Phase 1, Section 1-C

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Actual Density	Actual Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Single-Family Residential	14.50	Low Density Residential	SF-6	--	5.3	72	2.75	198
Private Parkland	0.12	Low Density Residential	SF-6	--	--	--	--	--
Totals	14.62					72		198

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
50' ROW Residentals	2,495

Cottonwood Creek Subdivision - Phase 1, Section 1-D

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Actual Density	Actual Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Single-Family Residential	13.40	Low Density Residential	SF-6	--	5.3	71	2.75	195
Private Parkland	0.16	Low Density Residential	SF-6	--	--	3	--	--
Totals	13.56					74		195

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
50' ROW Residentals	2,327

Cottonwood Creek Subdivision - Phase 1, Sec 2

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Actual Density	Actual Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Garden Homes	9.27	Medium Density Residential	PH-ZL	--	6.1	57	2.10	120
Private Parkland	0.08	Medium Density Residential	PH-ZL	--	--	2	--	--
Totals	9.35					59		120

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
50' ROW Residentals	2,391
60' ROW Collectors	374

Cottonwood Creek Subdivision - Phase 1 Remainder

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Allowable Density	Actual Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Garden Homes	19.75	Medium Density Residential	PH-ZL	—	12	292	2.10	613
Parkland	38.04	Parkland	P	—				
Totals	57.79					292		613

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
60' ROW Collectors	446
50' ROW Residentals	3,431
20' ROW Alleys	2,005

Cottonwood Creek Subdivision - Phase 2

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Allowable Density	Allowable Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Apartments	30.85	High Density Residential	MF-18	--	18	555	2.10	1,166
Two-Family Residential	13.78	Medium Density Residential	DR	--	12	165	2.10	347
Seniors Group Home	10.61	Medium Density Residential	MF-12	--	-			
Commerical	5.94	Commerical	GC	--	--			
Public & Institutional	8.96	Public & Institutional	P	--	--			
Parkland	15.30	Parkland	P	--	--			
Totals	85.44					720		1,513

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
90' ROW Boulevard Arterials	330
80' ROW Arterials	1,266
60' ROW Collectors	821

Cottonwood Creek Subdivision - Phase 3

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Allowable Density	Allowable Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Single-Family Residential	85.32	Low Density Residential	SF-6	--	6	512	2.75	1,408
Single-Family Residential	17.97	Medium Density Residential	TH	--	6	108	2.75	297
Garden Homes	23.35	Medium Density Residential	PH-ZL	--	12	280	2.10	588
Commercial	3.62	Commercial	GC	--				
CD-4 Allowable Land Use	2.00	CD-4	CD-4	--	24	48	2.10	101
Parkland	4.15	Parkland	P & TH	--				
Public and Institutional	2.51	Public	P	--				
Totals	138.92					948		2,394

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
102' ROW Arterials	729
80' ROW Arterials	2,094
60' ROW Collectors	4,326
50' ROW Residentals	19,617

Cottonwood Creek Subdivision - Phase 4

Land Use Category	Area	Current FLUM Designation	Existing Zoning	Proposed Zoning	Proposed Density	Proposed Units	Population Per Unit *	Estimated Population
	(acres)				(units/acre)			
Single Family Residential	95.16	Low Density Residential	SF-6	—	4.4	414	2.75	1,139
Private Park	5.60	Open Space	P	-				
Totals	100.76					414		1,139

\* Source : City of San Marcos and 2000 Census.

Streets and Alleys Type	Estimated Distance In L.F.
50' ROW Residentals	16,440
60' ROW Residentals	304

PROJECT No.  
23-001-10

SHEET No.  
2 OF 2

SHEET TITLE  
MASTER PLAN OF THE  
COTTONWOOD CREEK  
SUBDIVISION  
(VESTED DEVELOPMENT)

CLIENT/OWNER  
COTTONWOOD CREEK JDR, LTD.  
RANDALL MORRIS, PRESIDENT  
330 WONDER WORLD DRIVE  
SAN MARCOS, TEXAS 78666

No.	DATE	REVISIONS			RECOM'D



RAMSEY  
**RE** ENGINEERING  
Ramsey Engineering, LLC  
Civil Engineering • Consulting  
TBPE Firm No. F-12606  
3206 Yellowpine Terrace  
Austin, Texas 78757  
Cell: 512-650-6800  
ramsey-eng@att.net



# PRELIMINARY SUBDIVISION PLAT, REPLAT OR CONCEPT PLAT APPLICATION

Updated: March, 2023



## CONTACT INFORMATION

Applicant's Name	Stephen Ramsey, P.E.	Property Owner	Randall Morris, President
Company	Ramsey Engineering, LLC	Company	Cottonwood Creek JDR, LTD.
Applicant's Mailing Address	3206 Yellowpine Terrace, Austin, Texas 78757	Owner's Mailing Address	330 Wonder World Drive, Suite 300, San Marcos, TX
Applicant's Phone #	512-650-6800	Owner's Phone #	512-753-9470
Applicant's Email	sramseyeng@gmail.com	Owner's Email	randall@randallmorris.com

## PROPERTY INFORMATION

Proposed Subdivision Name: Cottonwood Creek

Subject Property Address or General Location: SH 123 at Rattler Road

Acres: 471.97 Tax ID #: R 70227; R155133; R177816

Located in: ☒ City Limits ☐ Extraterritorial Jurisdiction (County) \_\_\_\_\_

## DESCRIPTION OF REQUEST

Type of Plat: ☐ Preliminary Subdivision Plat ☐ Replat ☒ Concept Plat *Subdivision Master Plat*

Proposed Number of Lots: 2,986 Proposed Land Use: Residential; Commercial; Public

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Concept / Preliminary Plats:

Filing Fee \$1,500 plus \$100 per acre Technology Fee \$15 MAXIMUM COST \$5,015

Replats that are not Administratively approved:

Filing Fee \$750 plus \$50 per acre Technology Fee \$15 MAXIMUM COST \$3,015

Submittal of this digital Application shall constitute acknowledgment and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**



## SUBDIVISION IMPROVEMENT AGREEMENT ACKNOWLEDGEMENT

I understand, whenever public improvements to serve the development are deferred until after Final Subdivision or Development Plat approval, the property owner shall enter into a Subdivision Improvement Agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date upon which the Final Plat is approved.

- ☐ All required public improvements will be completed prior to approval of the Final Subdivision or Development Plat
- ☐ I wish to defer installation of public improvements until after approval of the Final Subdivision or Development Plat and have attached a Subdivision Improvement Agreement to be considered along with this Plat application
- ☒ The attached Minor / Amending / Preliminary Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: Stephen Ramsey, P.E. Date: 4/6/23

## NOTICE OF COMPLETENESS DETERMINATION & STATUTORY REVIEW TIMEFRAMES

I understand that the City of San Marcos requires online submittal of all applications through the Customer Portal at [www.mygovernmentonline.org](http://www.mygovernmentonline.org) and that the Responsible Official will review this application for completeness within 10 business days of online submittal. I understand that this application is not considered "filed" until all required documentation is received and reviewed for completeness. *Upon determination of completeness the City will send written correspondence stating that the application has been filed and will provide a date, in accordance with the Texas Local Government Code, when the Planning and Zoning Commission will meet to hear the request.*

- ☒ By checking this box I am requesting cursory review of this application prior to determination that the application is complete and filed. Cursory review comments shall not constitute a determination of completeness.

I also understand that as the applicant I may request, in writing, an extension to the statutory review timeframes.

Signature of Applicant: Stephen Ramsey, P.E. Date: 4/6/23

## RECORDATION REQUIREMENTS\*\*\*

The following are required for recordation, following approval of a Plat application:

- ☐ Two (2) mylars of the subdivision plat (Comal Co. requires White 20# Bond Paper)
- ☐ Recording Fee: \$ \_\_\_\_\_
- ☐ Tax Certificate, printed within 30 days of recordation date (paid prior to January 31<sup>st</sup> of current year)

Other possible recording requirements:

- ☐ If public improvements were deferred, Subdivision Improvement Agreement
- ☐ Subdivision Improvement Agreement recording fee: \$ \_\_\_\_\_
- ☐ Other legal documents referenced on the plat (i.e. easement dedication by separate instrument, HOA documents)
- ☐ Other recording fee: \$ \_\_\_\_\_

\*\*\*Recordation fees, mylars, and other requirements are not due at the time of submittal. Fees will depend on the number of pages needed for recordation and the County in which they are recorded. The total will be calculated upon approval.



PROPERTY OWNER AUTHORIZATION

I, Randall Morris, President (owner name) on behalf of  
Cottonwood Creek JDR, LTD. (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
SH 123 at Rattler Road (address).

I hereby authorize Stephen Ramsey, P.E. (agent name) on behalf of  
Ramsey Engineering, LLC (agent company) to file this application for  
Subdivision Master Plan Annual Renewal (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:



Date:

4/10/23

Printed Name, Title:

Randall Morris, President

Signature of Agent:



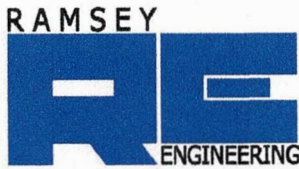
Date:

4/6/23

Printed Name, Title:

Stephen Ramsey, P.E.

Form Updated October, 2019



## Ramsey Engineering, LLC

Civil Engineering - Consulting  
TBPE Firm No. F-12606

3206 Yellowpine Terrace  
Austin, Texas 78757  
Cell: 512-650-6800  
sramseyeng@gmail.com

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April 20, 2023

Ms. Amanda Hernandez, AICP, Director  
City of San Marcos  
Planning and Development Services  
630 E. Hopkins Street  
San Marcos, Texas 78666

RE: Cottonwood Creek Subdivision Master Plan  
2023 Annual Renewal Application  
Project No. 23-001-10

Dear Ms. Hernandez:

Please accept this cover letter with attachments for the referenced subdivision master plan annual renewal. Attached please find the following items.

1. Subdivision Master Plan Application;
2. PDF and CAD File of Master Plan document;
3. 2022 Tax Certificates;
4. Property Deed Records for Proof of Original Ownership; and
5. Acknowledgement that the \$5,015 City fee payment will be made when directed to do so by City Planning staff..

Subdivision activity since last year's annual renewal approval include the following:

- Single family residential development in Phase 3 is now complete.
- The shown 2.00 acre tract in Phase 3, at the corner of Rattler Road and Monterrey Oak, was rezoned from GC: General Commercial to CD-4: Character District 4.
- The Site Preparation Permit for the Phase 2 development of the Breadbasket Convenience Store at 4435 Highway 123 (in Phase 3) has been approved.
- Planning and development activity in Phases 2 and 4 is currently in process.

We request to be considered for approval by the Planning & Zoning Commission at their June 27, 2023 meeting. Please let us know if you need anything else.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Ramsey". The signature is written in a cursive, flowing style with a large, prominent "S" and "R".

Stephen Ramsey, P.E.

Manager/President



**PC-04-10\_010**

## **Cottonwood Creek Master Plan Renewal**

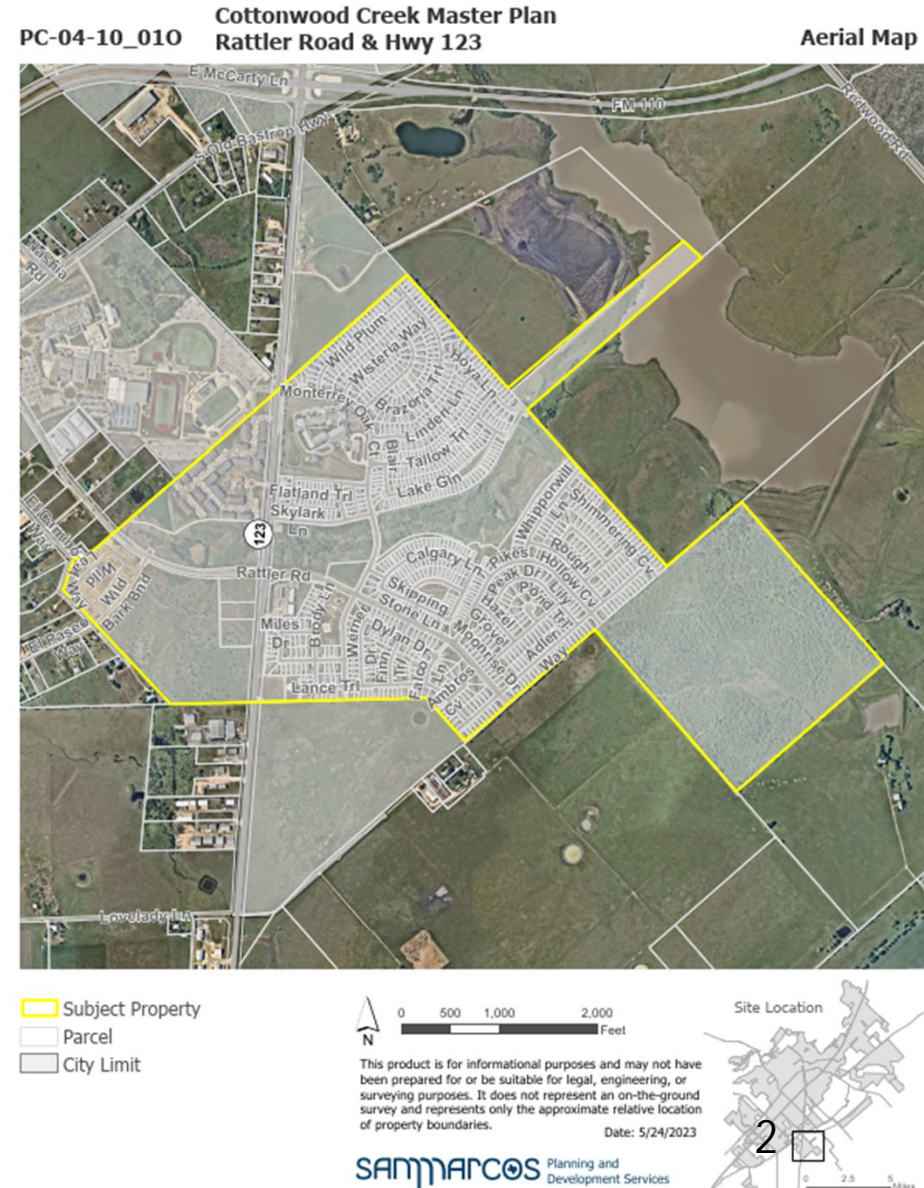
Consider a request by Ramsey Engineering, LLC, on behalf of Cottonwood Creek JDR, Ltd., for an amendment and renewal of a Master Plan for approximately 471.94 acres, more or less, out of the Farnham Frye, Rebecca Brown, and John F Geister Surveys, located at the intersection of Rattler Road and Highway 123. (K. Buck)

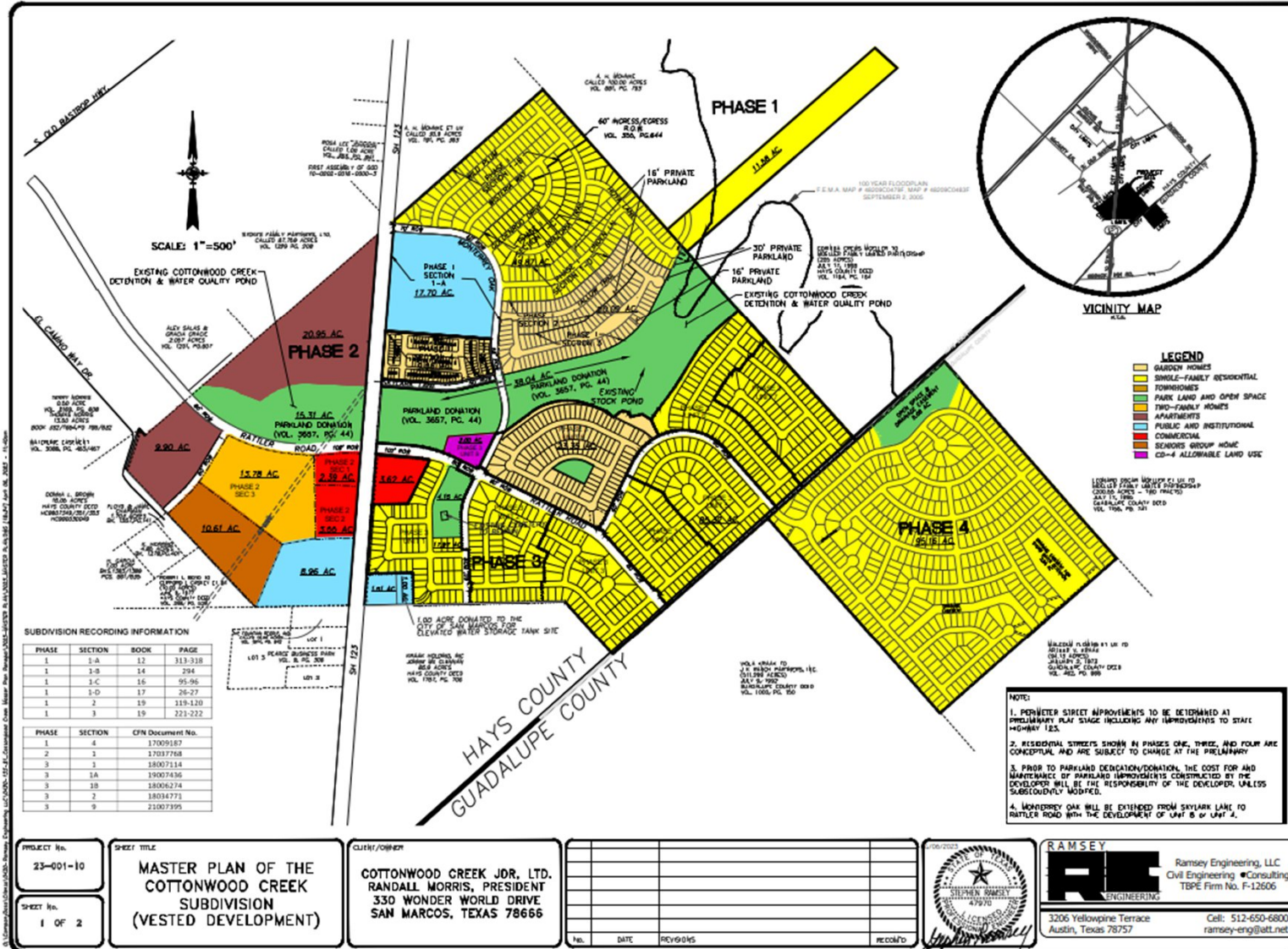




# Property Information

- +/- 471.94 acres
- Approved in 2002
- Located in a Low Intensity Zone as designated on the Preferred Scenario Map.
- Applicant proposes to change the Master Plan to reflect the Zone Change approved by City Council in March of 2023.

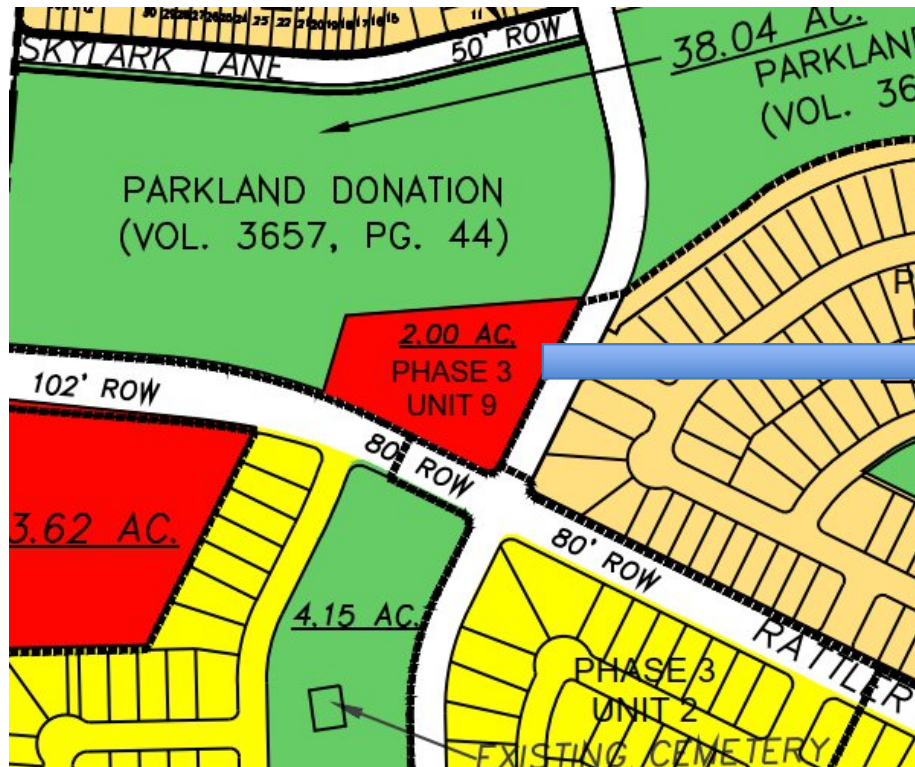




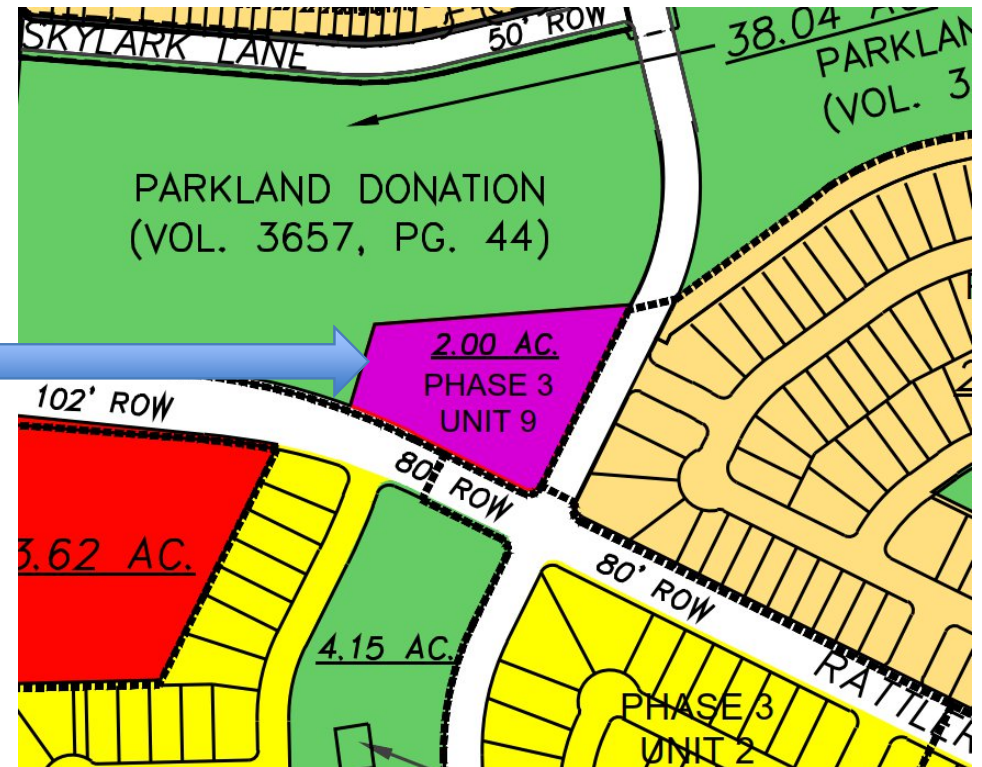




# Proposed Amendment



Existing



Proposed

[sanmarcostx.gov](http://sanmarcostx.gov)



## Recommendation

- Staff recommends approval of **PC-04-10\_01O** as presented.



## Legislation Text

---

**File #:** CUP-23-14, **Version:** 1

---

**AGENDA CAPTION:**

CUP-23-14 (The Cigar Vault) Hold a public hearing and consider a request by Jeff Beal, on behalf of The Cigar Vault, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 122 N LBJ Drive. (C. Garrison)

**Meeting date:** June 27, 2023

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

N/A

N/A

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☒ Land Use - Direct Growth, Compatible with Surrounding Uses
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This is a renewal of a Conditional Use Permit that was initially received in April of 2022 and expired June 23, 2023. The CUP renewal is to allow the sale and on-premise consumption of beer and wine. This CUP is for a Bar in the Downtown Central Business Area.

The Cigar Vault is a retail store that sells tobacco related products.

The business received its Certificate of Occupancy on May 19, 2021.

**Council Committee, Board/Commission Action:**

N/A

**Alternatives:**

N/A

**Recommendation:**

Staff recommends **approval** with the following conditions:

1. The permit shall be valid for three (3) years, provided standards are met;
2. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times as set forth in Section 5.1.5.5(B)(4)(b)(7);
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

<b>Conditional Use Permit</b>	<b>122 North LBJ Drive</b>
<b>CUP-23-14</b>	<b>The Cigar Vault</b>



### Summary

<b>Request:</b>	Renewal of Conditional Use Permit		
<b>Applicant:</b>	Jeff Beal PO Box 548 Buda, TX 78610	<b>Property Owner:</b>	John and Judith Serur 14550 Nutty Brown Road Austin, TX 787373
<b>CUP Expiration:</b>	N/A	<b>Type of CUP:</b>	CBA Bar (Beer and Wine)
<b>Interior Floor Area:</b>	1,764 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	No	<b>Parking Provided:</b>	Shared
<b>Days &amp; Hours of Operation:</b>	Sunday – Thursday: 12pm-8pm Friday – Saturday: 10am-10pm		

### Notification

<b>Posted:</b>	June 9, 2023	<b>Personal:</b>	June 9, 2023
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Original Town of San Marcos, Block 8, Lot 22.5 ft of 6		
<b>Location:</b>	Near the southeast intersection of Hopkins St. & N LBJ Dr.		
<b>Acreage:</b>	Approximately .15 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Character District – 5 Downtown	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Retail w/ alcohol sales	<b>Proposed Use:</b>	Retail w/ alcohol sales
<b>Preferred Scenario:</b>	Downtown High Intensity	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown (CBA)	<b>Sector:</b>	8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	Downtown Historic District	<b>My Historic SMTX Resources Survey:</b>	Yes - Medium Priority

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Character District – 5 Downtown (CD-5D)	Bar	Downtown High Intensity
<b>South of Property:</b>	Character District – 5 Downtown (CD-5D)	Tattoo, body piercing	Downtown High Intensity
<b>East of Property:</b>	Character District – 5 Downtown (CD-5D)	Wells Fargo Bank	Downtown High Intensity
<b>West of Property:</b>	Public (P)	Hays County Historic Courthouse	Downtown High Intensity

<b>Conditional Use Permit</b>	<b>122 North LBJ Drive</b>
<b>CUP-23-14</b>	<b>The Cigar Vault</b>



### Staff Recommendation

Approval as Submitted	<input checked="" type="checkbox"/>	<b>Approval with Conditions</b>	Denial
<ol style="list-style-type: none"> <li>The permit shall be valid for three (3) years, provided standards are met;</li> <li>The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times as set forth in Section 5.1.5.5(B)(4)(b)(7);</li> <li>The permit shall be posted in the same area and manner as the Certificate of Occupancy.</li> </ol>			
<b>Staff:</b> Craig Garrison		<b>Title:</b> Planner	<b>Date:</b> June 21, 2023

### History

This is a renewal of a Conditional Use Permit that was initially received in April of 2022. The CUP renewal is to allow the sale and on-premise consumption of beer and wine. This CUP is for a Bar in the Downtown Central Business Area. The Cigar Vault is a retail store that sells tobacco related products. The business received its Certificate of Occupancy on May 19, 2021.

### Additional Analysis

The business has 24 indoor seats and no outdoor seating. A small stage is located indoors at the front of the store, and is intended to be used for live music. The applicant has stated the live music will be "background" music, and is not proposing to host concerts.

### Comments from Other Departments

<b>Police</b>	No Calls Reported.
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

Conditional Use Permit	122 North LBJ Drive
CUP-23-14	The Cigar Vault



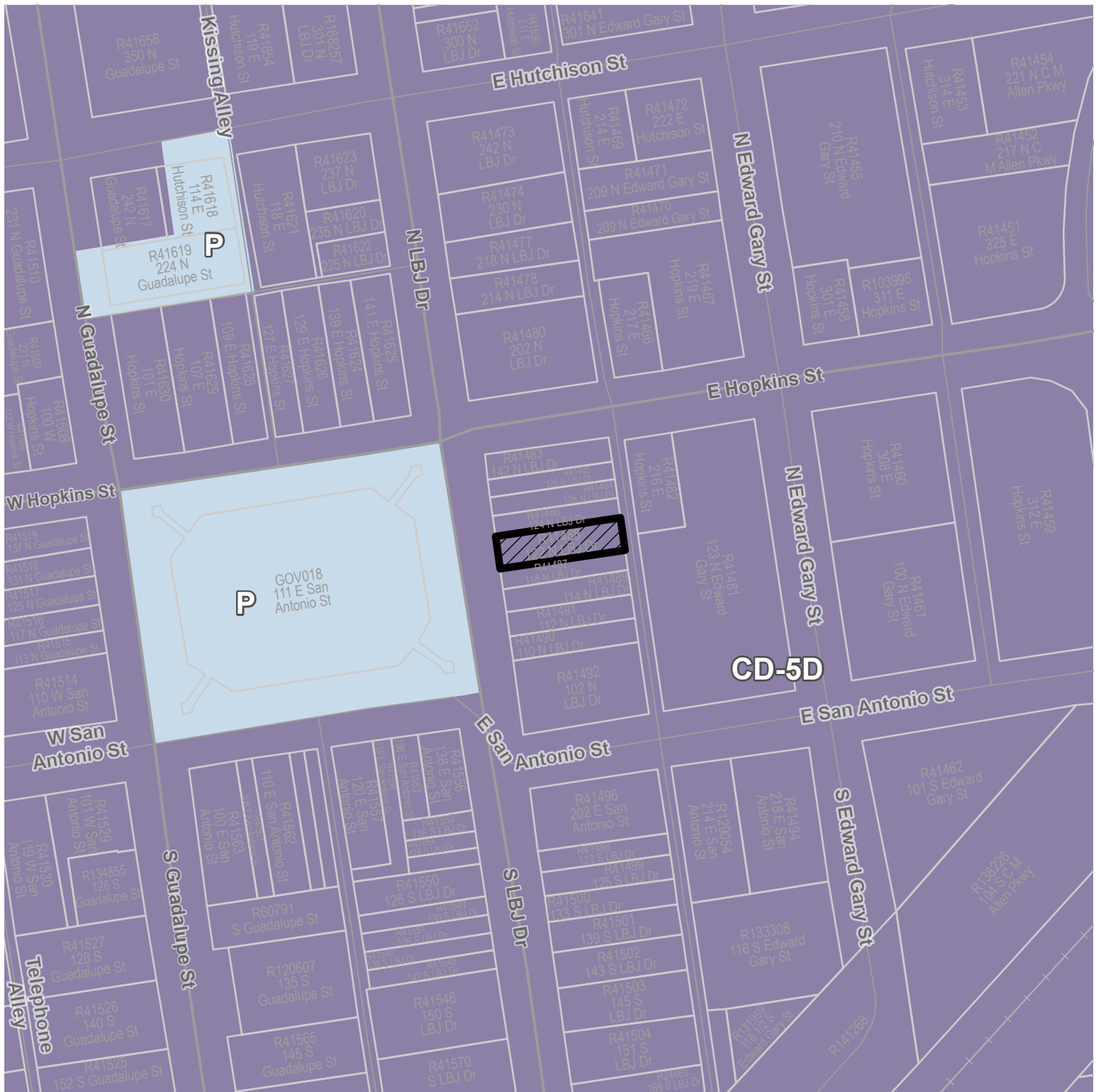
Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <b><i>Studies were not complete at the time of the request.</i></b>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <b><i>CD-5D is intended to provide for mixed use, pedestrian oriented development in downtown.</i></b>
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods. <b><i>Adjacent to and nearby the proposed use are other establishment's that operate as bars and retail shops.</i></b>
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1.






# 122 N LBJ Dr. - The Cigar Vault CUP Renewal

CUP-23-14

Zoning Map



-  Subject Property
-  Parcel
-  CD-5D
-  P



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/13/2023





# 122 N LBJ Dr. - The Cigar Vault CUP Renewal

CUP-23-14

Aerial View Map



- Subject Property
- Parcel



0 87.5 175 350 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.




Date: 6/5/2023

Site Location







 Subject Property  
 Parcel  
 400ft Buffer



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/5/2023



PLANNING AND DEVELOPMENT SERVICES

6/9/2023



CUP-23-14

**Notice of Public Hearing  
Conditional Use Permit Renewal  
Sale of Beer & Wine  
122 N LBJ Drive**

*CUP-23-14 (The Cigar Vault) Hold a public hearing and consider a request by Jeff Beal, on behalf of The Cigar Vault, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 122 N LBJ Drive. (C. Garrison)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, June 27, 2023** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

**For City Council**

[citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov)

For more information regarding this request, contact the case manager, **Craig Garrison**, at **512.805.2649** or **cgarrison@sanmarcostx.gov**. When calling, please refer to case number **CUP-23-14**.

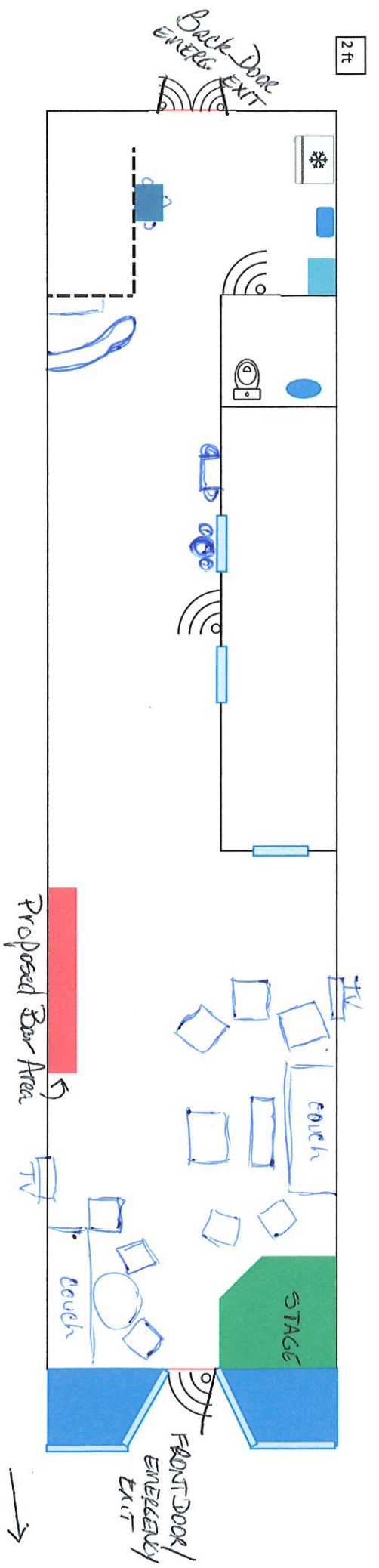
*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

PLANNING AND DEVELOPMENT SERVICES

Enclosure: Map (See Reverse)

Property ID	Site Address	Owner	Owner/Zip/State
41487	118-120 N LBJ DR, SAN MARCOS, TX 78666	118-120 N LBJ LLC	SAN MARCOS, TX 78666
41485	138 N LBJ DR, SAN MARCOS, TX 78666	126 & 138 N LBJ SERIES	AUSTIN, TX 78702-4205
41458	301 E HOPKINS ST, SAN MARCOS, TX 78666	13651 RESEARCH LTD	AUSTIN, TX 78746-6696
41480	202 N LBJ DR, SAN MARCOS, TX 78666	202 NORTH LBJ VENTURE GROUP LP	AUSTIN, TX 78734-2628
41470	209 N EDWARD GARY ST, SAN MARCOS, TX 78666	214HUTCHISON LLC	SAN MARCOS, TX 78666-5063
41475	230 N LBJ DR, APT #201, SAN MARCOS, TX 78666	230 N LBJ LLC	GEORGETOWN, TX 78628
103995	311 E HOPKINS ST, SAN MARCOS, TX 78666	311 EAST HOPKINS LLC	AUSTIN, TX 78735-6758
41554	118 S LBJ DR, SAN MARCOS, TX 78666	78 TRIPLE 6 INVESTMENTS LLC	SAN MARCOS, TX 78666-3707
41625	145 E HOPKINS ST, SAN MARCOS, TX 78666	B L SCOFIELD INC	San Marcos, TX 78666-5611
41462	304 E SAN ANTONIO ST, SAN MARCOS, TX 78666	CARSON DIVERSIFIED PROPERTIES LP	SAN MARCOS, TX 78666-5063
41478	212 N LBJ DR, SAN MARCOS, TX 78666	CARSON FAMILY PROPERTIES	SAN MARCOS, TX 78666-5063
41622	225 N LBJ DR, SAN MARCOS, TX 78666	CRYSTAL JANAA & TOM	NEW BRAUNFELS, TX 78132-4608
41474	226 N LBJ DR, SAN MARCOS, TX 78666	COLGIN THOMAS W ESTATE	SAN MARCOS, TX 78666
41628	109-119 E HOPKINS ST, SAN MARCOS, TX 78666	EAST HOPKINS LLC	AUSTIN, TX 78735-1733
41486	124 N LBJ DR, SAN MARCOS, TX 78666	EFW HOLDINGS INC	SAN MARCOS, TX 78666
41559	118 E SAN ANTONIO ST, SAN MARCOS, TX 78666	GRIZZLE DAVID RANDAL	SAN MARCOS, TX 78666
41461	100 N EDWARD GARY ST, SAN MARCOS, TX 78666	HANSON-SKILES CONSTANCE MARIE FAMILY BYPASS TRUST	SAN MARCOS, TX 78666-9542
41467	219 E HOPKINS ST, SAN MARCOS, TX 78666	HAYSCO SM LLC	SAN MARCOS, TX 78666-5063
41562	110 E SAN ANTONIO ST, SAN MARCOS, TX 78666	HOHN JOHN Y LIFE ESTATE	SAN MARCOS, TX 78666
41561	108 E SAN ANTONIO ST, SAN MARCOS, TX 78666	JAMES K WISE REAL ESTATES INC	SAN MARCOS, TX 78666
41620	235 N LBJ DR, SAN MARCOS, TX 78666	JG AND EM BURNSIDE LLC	IDAHO FALLS, ID 83404-7392
41553	136 E SAN ANTONIO ST, SAN MARCOS, TX 78666	LARRY W MURPHREE SPOUSAL TRUST	SAN MARCOS, TX 78666
129054	214 E SAN ANTONIO, SAN MARCOS, TX 78666	LINDSEY LOFTS LTD	AUSTIN, TX 78709-1383
41496	101 S LBJ DR, SAN MARCOS, TX 78666	LONGHORN INVESTMENTS LLP	AUSTIN, TX 78738-5367
41555	120 S LBJ DR, SAN MARCOS, TX 78666	MENDEZ, RONNIE A	SAN MARCOS, TX 78666
41490	110 N LBJ DR, SAN MARCOS, TX 78666	MLKSM LLC	AUSTIN, TX 78731
41492	102 N LBJ DR, SAN MARCOS, TX 78666	MLKSM LLC	AUSTIN, TX 78703-4516
41460	308 E HOPKINS ST, SAN MARCOS, TX 78666	NCNB TEXAS NATIONS BANK	CHARLOTTE, NC 28255
41626	129 E HOPKINS ST, SAN MARCOS, TX 78666	ONIONS R US LLC	SAN MARCOS, TX 78666-5094
41483	142 N LBJ DR, SAN MARCOS, TX 78666	OUSEY, MICHAEL	SAN MARCOS, TX 78666-7335
41466	217 E HOPKINS ST, SAN MARCOS, TX 78666	PIPER JAMES M & TAMARA P	SAN MARCOS, TX 78666-1847
41560	114 E SAN ANTONIO ST, SAN MARCOS, TX 78666	ROGERS SHIRLEY	SAN MARCOS, TX 78666-4935
41558	130 E SAN ANTONIO ST, SAN MARCOS, TX 78666	ROTHER INVESTMENTS LLC	SAN MARCOS, TX 78666-9999
41498	125 S LBJ DR, SAN MARCOS, TX 78666	S LBJ 125 LLC	SAN MARCOS, TX 78666-8515
41479	214 N LBJ DR, SAN MARCOS, TX 78666	SAN MARCOS COMMUNITY PARTNERS LLC	AUSTIN, TX 78716-2304
41455	210 N EDWARD GARY ST, SAN MARCOS, TX 78666	SAN MARCOS TX STUDENT HOUSING LLC	MEMPHIS, TN 38120-4130
41556	144 E SAN ANTONIO ST, SAN MARCOS, TX 78666	SCANIO MICHAEL E TRUSTEE	SAN MARCOS, TX 78666
41488	122 N LBJ DR, SAN MARCOS, TX 78666	SERUR JOHN & JUDITH L LIVING TRUST	AUSTIN, TX 78737-8856
41624	139 E HOPKINS ST, SAN MARCOS, TX 78666	SLOAN JAMES LLC	SAN MARCOS, TX 78666-5678
41477	218-220 N LBJ DR, SAN MARCOS, TX 78666	TARRANT, LINDA LEWIS	HUNT, TX 78024-0199
41482	216 E HOPKINS ST, SAN MARCOS, TX 78666	TEXAS P B REAL ESTATE LP	GLASOW, KY 42141-2413
41621		TEXAS STATE UNIVERSITY-SAN MARCOS	SAN MARCOS, TX 78666-4684
41557	120 E SAN ANTONIO ST, SAN MARCOS, TX 78666	THE MARC ON THE SQUARE LLC	SAN MARCOS, TX 78666-5225
41494		VICTORIA BANK & TRUST	AUSTIN, TX 78701-2750
41489	114-116 N LBJ DR, SAN MARCOS, TX 78666	WALDRIP CHARLES M JR & MARTHA JANE	SAN MARCOS, TX 78667-0805
41550	126 S LBJ DR, SAN MARCOS, TX 78666	WARREN, ROBERT L	SAN MARCOS, TX 78666

2 ft



The Cigar Vault  
122 N 165 Dr.  
San Marcos, TX 78666

- 1764 Ft<sup>2</sup> incl. private storage
- no fencing or landscaping

24 seating indoors  
±50 occupancy

## Dueitt, Dalton

---

**From:** Beal Enterprises <bealenterprisesinc@gmail.com>  
**Sent:** Wednesday, March 30, 2022 11:51 AM  
**To:** Dueitt, Dalton  
**Subject:** [EXTERNAL] Re: The Cigar Vault CUP - Additional Items Needed

Dalton,

Regarding the additional information needed: I am including it with this email as I couldn't figure out how to add it to my online application. I can see the permit application, but not edit it--(probably operator error)...

We do plan to offer live entertainment from time to time on the small stage in the front of the store. This will be background-style music as we are a lounge (sit, visit, have a cigar, have a beer) type of place and not a "concert" or music venue type of place. We have no plans for weekly events like BINGO, etc. at this time.

Proposed menu of drinks to be offered:

4-6 each Micro-brew on draft (all local)

4-6 each Bottled or canned beer offerings (local or state brands like Shiner, Karbach, etc.)

3-4 each Imported or National offerings (ie-Guinness, Dos Equis, Budweiser, Miller)

4-6 each Wine selections (emphasis on local wineries)

How can I make the \$806 payment?

Please let me know if you have any other questions.

We are so grateful for your help with this!

Laura Shoffner

Manager

Beal Enterprises, Inc.

P O Box 548

Buda, Texas 78610

dba Olympia Hills Gymnastics

dba The Cigar Vault

dba The Cigar Vault East

dba The Cigar Vault San Marcos



# TEXAS ALCOHOLIC BEVERAGE COMMISSION

**BG -200062591**

**Expires:6/23/2024**

**17% WINE**

**WINE AND MALT BEVERAGE RETAILER'S ON-PREMISE  
PERMIT (BG)**



**THE CIGAR VAULT HCH  
122 N LBJ DR  
SAN MARCOS, TX, US, 78666**

BEAL ENTERPRISES INC.

A handwritten signature in black ink, reading "Matthew Champion".

DEPUTY EXECUTIVE DIRECTOR

THIS PERMIT IS NOT TRANSFERABLE, MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EXPRESS AGREEMENT TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEES TO PERFORM ANY DUTY IMPOSED UPON HIM.

# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL WITHIN CBA)

Revised: September, 2020



## CONTACT INFORMATION

Applicant's Name	Jeff Beal	Property Owner	John & Judith L Serur Living Trust
Company	Beal Enterprises Inc dba The Cigar Vault	Company	
Applicant's Mailing Address	P O Box 548 Buda, TX 78610	Owner's Mailing Address	14550 Nutty Brown Rd Austin, TX 78737
Applicant's Phone #	512-297-3653	Owner's Phone #	
Applicant's Email	bealenterprisesinc@gmail.com	Owner's Email	judi@serur.com

## PROPERTY INFORMATION

Subject Property Address: 122 N LBJ Dr

Zoning District: CD-5D Tax ID #: R41488

Legal Description: Lot 22.5 ft of 6 Block 8 Subdivision Original Town of San Marcos

Number of Parking Spaces: shared

Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

## DESCRIPTION OF REQUEST

Business Name: The Cigar Vault ☐ Restaurant ☐ Bar ☒ Other: Cigar Lounge

☐ NEW ☒ RENEWAL/AMENDMENT ☐ Mixed Beverage ☒ Beer & Wine ☐ Late Hours

Hours of Operation(ex. Mon 12pm-1am): Mon 10am-8pm Tue 10am-9pm Wed 12pm-9pm  
Thurs 12pm-8pm Fri 10am-10pm Sat 10am-10pm Sun 10am-8pm

Indoor Seating Capacity: 25 Outdoor Seating Capacity: 0 Gross Floor Area: 1724 sq ft (incl storage)

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee \$93*	Technology Fee \$13	TOTAL COST: \$106
Renewal/Amendment Filing Fee \$423*	Technology Fee \$13	TOTAL COST: \$436

\*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits

Submission of this digital Application shall constitute as acknowledgment and authorization to process this request.



## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

4/5/2023

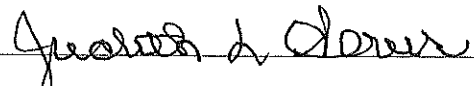
Print Name: \_\_\_\_\_


Jeff Beal

PROPERTY OWNER AUTHORIZATION

I, Judith Serur (owner name) on behalf of  
John & Judith L Serur Living Trust (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
122 N LBJ Dr, San Marcos, Texas 78666 (address).

I hereby authorize Jeff Beal (agent name) on behalf of  
The Cigar Vault (agent company) to file this application for  
CUP Renewal (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 4/11/23  
Printed Name, Title: John & Judith L SERUR LIVING TRUST

Signature of Agent:  Date: 4/19/23  
Printed Name, Title: Jeff Beal

Form Updated October, 2010



# **Public Hearing**

## **CUP-23-14**

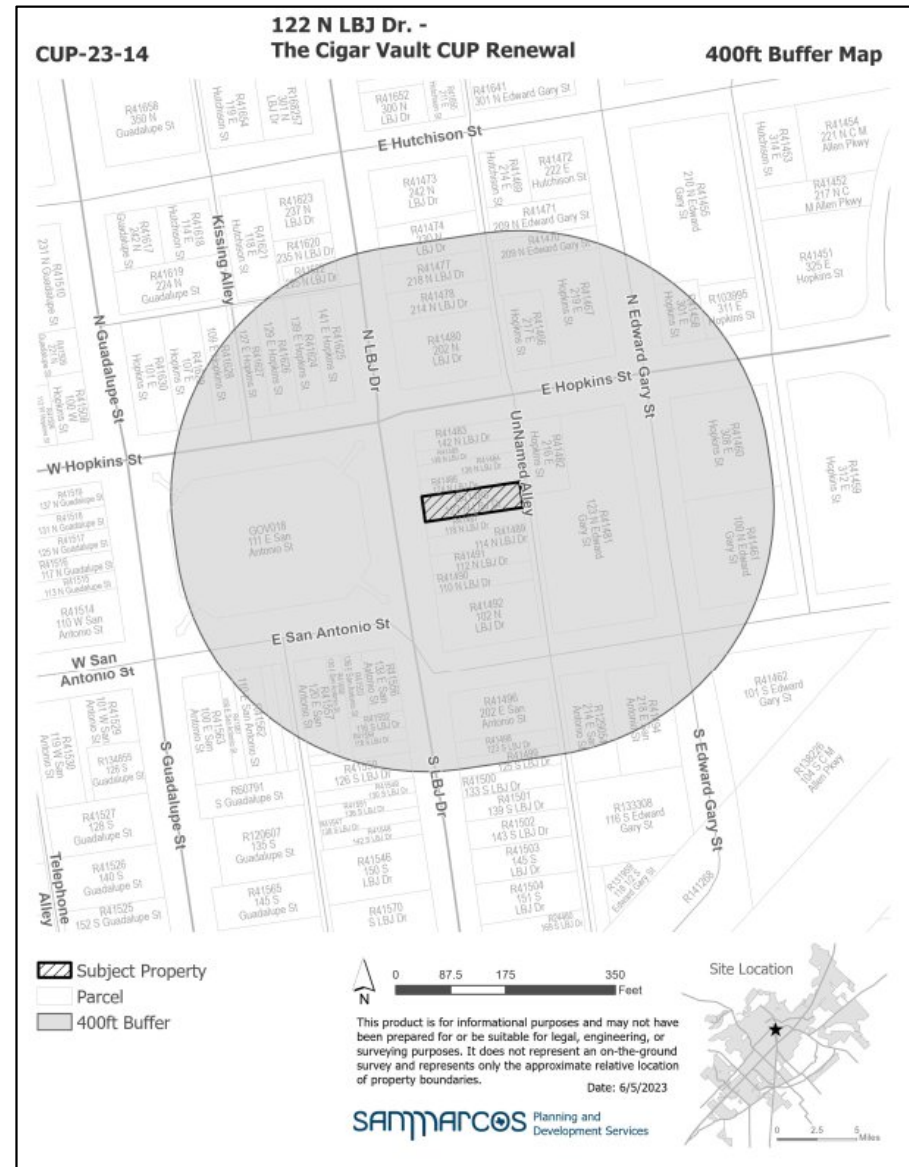
### **The Cigar Vault**

(The Cigar Vault) Hold a public hearing and consider a request by Jeff Beal, on behalf of The Cigar Vault, for renewal of a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 122 N LBJ Drive. (C. Garrison)



# Property Information

- Approximately .15 acres
- Located north of the East San Antonio Street and North LBJ Drive intersection





# Context & History

- Currently a Cigar Vault Bar and Retail
- Surrounding Uses
  - Hays County Historic Courthouse
  - Bar
  - Wells Fargo Bank







# Context & History

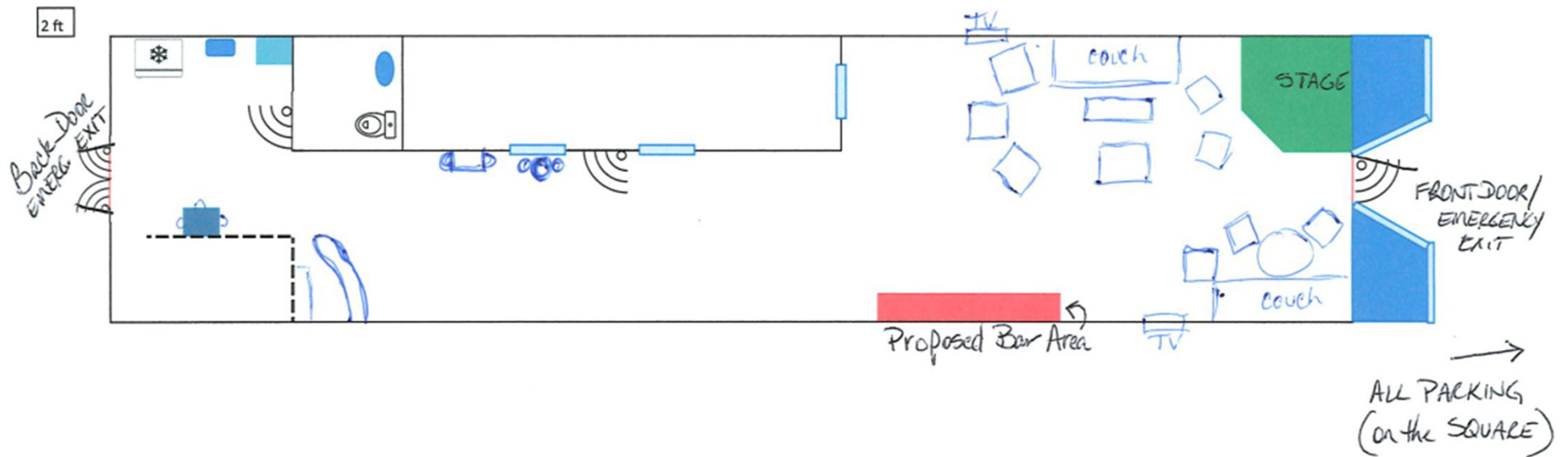
- Existing Zoning:  
Character District – 5 Downtown  
(CD-5D)
- Current Use:  
Bar with retail sales
  - Sunday-Thursday: 12pm – 8pm
  - Friday-Saturday: 10am – 10pm





# Floor Plan

- GFA: 1,764 sqft
- Indoor seating: 24







# Recommendation

- Staff recommends **approval** of the request with the following conditions.
  1. The permit shall be valid for three (3) years, provided standards are met;
  2. The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times as set forth in Section 5.1.5.5(B)(4)(b)(7);
  3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Legislation Text

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**File #:** CUP-23-16, **Version:** 1

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**AGENDA CAPTION:**

CUP-23-16 (Gus's Fried Chicken) Hold a public hearing and consider a request by Janet C. Hickerson, on behalf of Gus's Fried Chicken, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 110 E. Martin Luther King Drive, Suite 106. (K. Buck)

**Meeting date:** June 27, 2023

**Department:** Planning & Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:**

N/A

N/A

N/A

**Comprehensive Plan Element (s):**

- ☒ Economic Development - Fiscally Responsible Incentives for Economic Development
- ☐ Environment & Resource Protection - Choose an item.
- ☒ Land Use - Direct Growth, Compatible with Surrounding Uses
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

**Master Plan:** N/A

Choose an item.

**Background Information:**

The applicant is proposing to operate a restaurant with beer and wine available for on premise consumption. The proposed restaurant and bar are keeping with adjacent uses.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of CUP-23-16 with the following conditions:

1. The permit shall be valid for one (1) year provided standards are met;
2. Outdoor amplified music on the property shall not be permitted after 10 p.m.
3. The permit shall be effective upon issuance of the Certificate of Occupancy;
4. The permit shall be posted in the same area and manner as the Certificate of Occupancy;



<b>Conditional Use Permit</b>	<b>110 E. MLK Dr, Suite 106</b>
<b>CUP-23-16</b>	<b>Gus's Fried Chicken</b>



### Summary

<b>Request:</b>	New Conditional Use Permit		
<b>Applicant:</b>	Janet C Hickerson 222 West Ave Austin, TX 78701	<b>Property Owner:</b>	Mark Shields 510 Hearn St Austin, TX 78701
<b>CUP Expiration:</b>	N/A	<b>Type of CUP:</b>	Beer & Wine
<b>Interior Floor Area:</b>	1,235 sq ft	<b>Outdoor Floor Area:</b>	735 sq ft
<b>Parking Required:</b>	2 spaces	<b>Parking Provided:</b>	Yes
<b>Days &amp; Hours of Operation:</b>	Sunday-Thursday: 11am-9pm    Friday & Saturday: 11am-10pm		

### Notification

<b>Posted:</b>	June 9, 2023	<b>Personal:</b>	June 9, 2023
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	Lots 1-4, Block 1, of the JS Travis Addition Subdivision		
<b>Location:</b>	South side of E MLK Dr between S Guadalupe St & S LBJ Dr		
<b>Acreage:</b>	2.5 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CD-5D	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Restaurant
<b>Preferred Scenario:</b>	High Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown	<b>Sector:</b>	Sector 8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	Yes
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey:</b>	Low

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	CD-5D	Retail	High Intensity Zone
<b>South of Property:</b>	CD-5D	Bank	High Intensity Zone
<b>East of Property:</b>	CD-5D	Entertainment & Bar (Putt Pub)	High Intensity Zone
<b>West of Property:</b>	CD-5D	Multifamily (The View on the Square)	High Intensity Zone

### Staff Recommendation

<input type="checkbox"/> Approval as Submitted	<input checked="" type="checkbox"/> <b>Approval with Conditions</b>	<input type="checkbox"/> Denial
<ol style="list-style-type: none"> <li>The permit shall be valid for one (1) year provided standards are met;</li> <li>Outdoor amplified music on the property shall not be permitted after 10 p.m.</li> <li>The permit shall be effective upon issuance of the Certificate of Occupancy;</li> <li>The permit shall be posted in the same area and manner as the Certificate of Occupancy;</li> </ol>		
<b>Staff:</b> Kaitlyn Buck	<b>Title:</b> Planner	<b>Date:</b> June 21, 2023

<b>Conditional Use Permit</b>	<b>110 E. MLK Dr, Suite 106</b>
<b>CUP-23-16</b>	<b>Gus's Fried Chicken</b>



### **History**

This is a new request.

### **Additional Analysis**

The proposed restaurant and bar are keeping with adjacent uses. Additionally, the proposed use is not within 300 feet of a single-family home, church, public or private school, or public hospital.

### **Comments from Other Departments**

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

Conditional Use Permit CUP-23-16	110 E. MLK Dr, Suite 106 Gus's Fried Chicken
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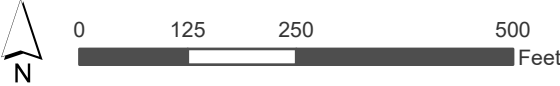


Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
		<u>N/A</u>	The proposed use is consistent with any adopted neighborhood character study for the area. <b><i>Studies were not complete at the time of the request.</i></b>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations. <b><i>The CD-5D Zoning District allows "eating establishment" as a permitted use, in order to serve alcoholic beverages for on premise consumption, a conditional use permit is required.</i></b>
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.
<u>X</u>			The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 1.5.1.1.





 Subject Property  
 Parcel

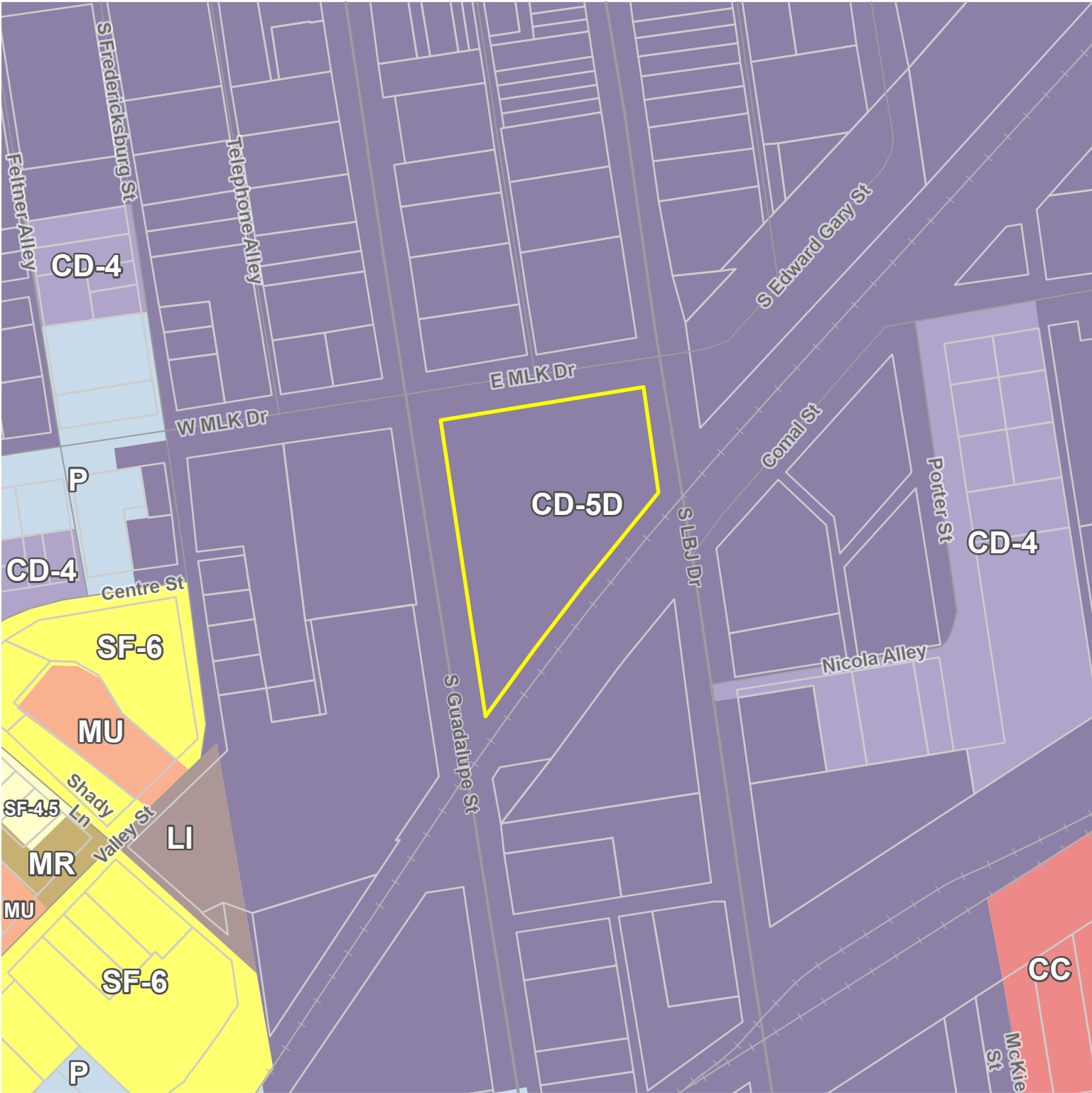












This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

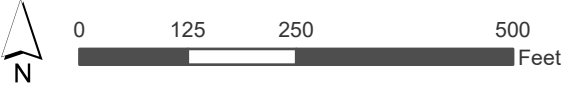
Date: 6/6/2023







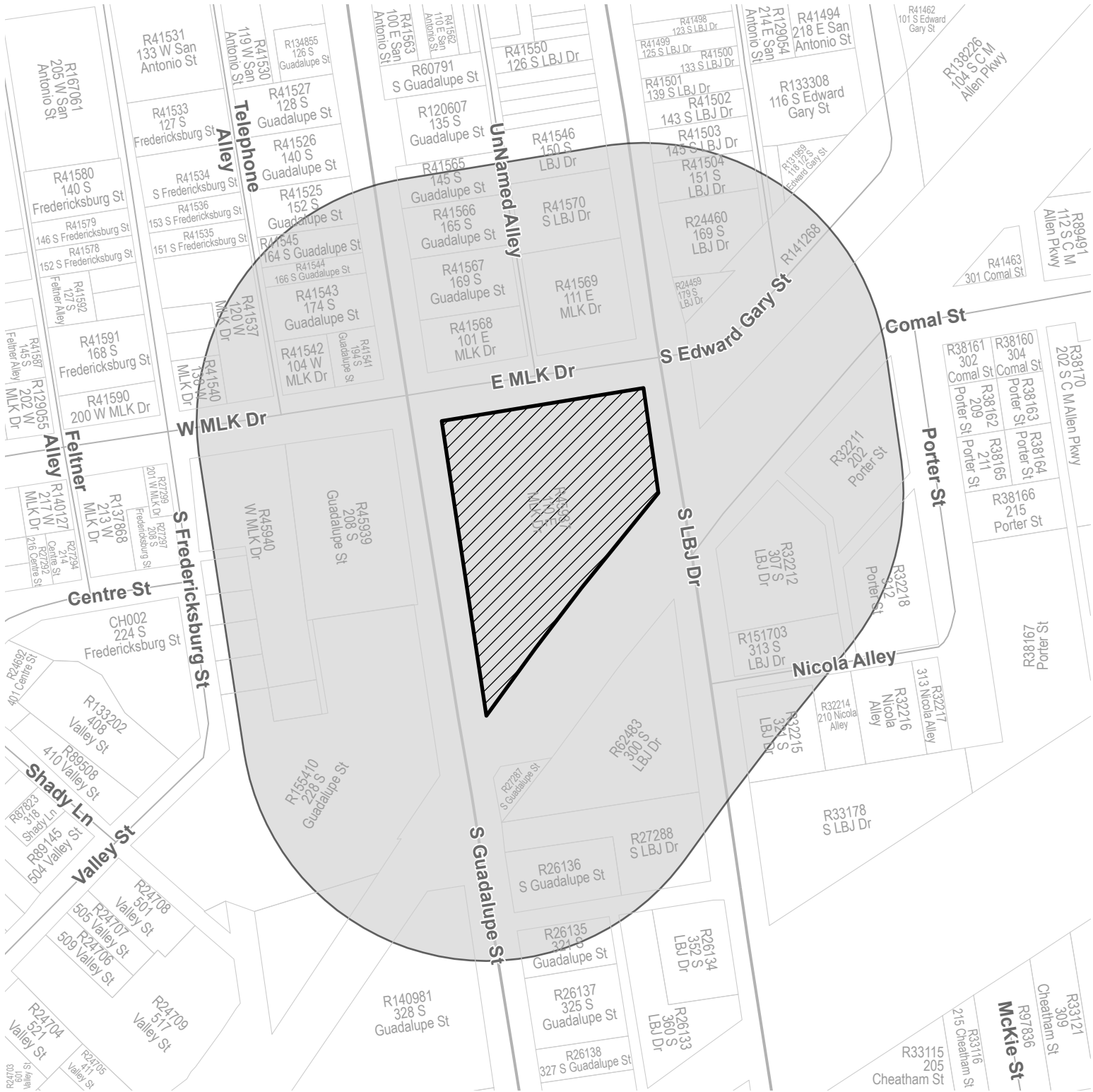
- |   |  |
|---|--|
|  Subject Property |  MR     |
|  CC               |  MU     |
|  CD-4             |  P      |
|  CD-5D            |  SF-4.5 |
|  LI               |  SF-6   |



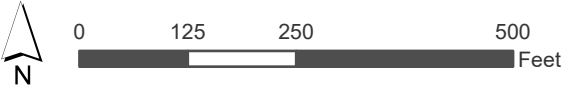
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/8/2023





- Subject Property
- Parcel
- 400ft Buffer



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/6/2023



PLANNING AND DEVELOPMENT SERVICES



06/09/2023

CUP-23-16

**Notice of Public Hearing  
Conditional Use Permit Request  
Sale of Beer & Wine  
110 E. Martin Luther King Drive, Suite 106**

*CUP-23-16 (Gus's Fried Chicken) Hold a public hearing and consider a request by Janet C. Hickerson, on behalf of MLK Fried Friends LLC, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 110 E. Martin Luther King Drive, Suite 106. (K. Buck)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will either approve, approve with conditions, or deny the request. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at a hybrid, virtual / in person, meeting by the Planning and Zoning Commission on **Tuesday, June 27, 2023**, at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

For more information regarding this request, contact the case manager, **Kaitlyn Buck**, at **512.393.8234** or **kbuck@sanmarcostx.gov**. When calling, please refer to case number **CUP-23-16**.

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

PLANNING AND DEVELOPMENT SERVICES  
Enclosure: Map (See Reverse)

# Notification List

Property ID	Owner Name	Owner Address	Owner City/State/Zip	Site Address
41570	111 MLK DEVELOPMENT LLC	16925 WHISPERING BREEZE DR	AUSTIN, TX 78738	
155410	228 GUADALUPE LLC	7630 RED BAY CT	DUBLIN, OH 43016-9483	228 S GUADALUPE ST, SAN MARCOS, TX 78666
154877	307 S LBJ REALTY LLC	2702 ROCKINGHAM DR	AUSTIN, TX 78704-3815	307 S LBJ DR, SAN MARCOS, TX 78666
26135	APANTE INVESTMENTS LP	4303 AQUA VERDE DR	AUSTIN, TX 78746	321 S GUADALUPE ST, SAN MARCOS, TX 78666
27288	BARBER W G ESTATE	ABANDONED PROPERTY	, 00000	
32214	BENAVIDES SYLVIA SOLIS	704 CRYSTAL CV	SAN MARCOS, TX 78666-9565	210 NICOLA ALLEY, SAN MARCOS, TX 78666
131959	BREIHAN, TED	PO BOX 477	SAN MARCOS, TX 78667-0477	EDWARD GARY ST, SAN MARCOS, TX 78666
41546	BWB2 LP	11701 BEE CAVES RD, #206	BEE CAVE, TX 78738-5014	150 S LBJ DR, SAN MARCOS, TX 78666
41537	CENTURYTEL OF SAN MARCOS INC, Attn: VICE PRESIDENT OF REAL ESTATE	1025 ELDORADO BLVD	BROOMFIELD, CO 80021-8254	
62483	COMPASS BANK	P O BOX 10566	BINNINGHAM, AL 35296-0566	300 S LBJ DR, SAN MARCOS, TX 78666
41568	DOZIER DIRK & KATHERINE	P O BOX 160667	AUSTIN, TX 78716-0667	101 E MLK DR, SAN MARCOS, TX 78666
41542	EAST HOPKINS LLC	120 W HOPKINS ST, Apt 200	SAN MARCOS, TX 78666-5637	104 MLK DR, SAN MARCOS, TX 78666
41566	EKP GUADALUPE SM LLC	5615 MC CARTY LN	AUSTIN, TX 78749-2027	165 S GUADALUPE ST, STE #111 & 112, SAN MARCOS, TX 78666
41540	ESTATE OF CLARA BETH WILSON	138 W MARTIN L KING DR	SAN MARCOS, TX 78666	138 W MLK DR, SAN MARCOS, TX 78666
41567	FACUNDO AND SONS INC	169 S GUADALUPE ST	SAN MARCOS, TX 78666-5531	169 S GUADALUPE ST, SAN MARCOS, TX 78666
41543	FORREAL LTD	215 W SAN ANTONIO ST, STE 2002	SAN MARCOS, TX 78666-5549	174 S GUADALUPE ST, SAN MARCOS, TX 78666
41503	FRAYEZUR PROPERTIES LTD	P O BOX 629	SAN MARCOS, TX 78667-0629	145 S LBJ DR, SAN MARCOS, TX 78666
41545	GREENWOOD DOUGLAS A	503 W MLK	SAN MARCOS, TX 78666	164 S GUADALUPE ST, SAN MARCOS, TX 78666
138700	KNICKERBOCKER INTERESTS LLC	1502 THE HIGH RD	AUSTIN, TX 78746-2234	240 COMAL ST, SAN MARCOS, TX 78666
41504	MAY JUSTIN ALAN	214 River Hills DR	San Marcos, TX 78666-9536	151 S LBJ DR, SAN MARCOS, TX 78666
45937	MLKSM LLC	510 HEARN ST, #380	AUSTIN, TX 78703-4516	110 E MLK DR, STE #122, 126, 130, SAN MARCOS, TX 78666
26133	MUZUN INVESTMENTS LLC	P O BOX 160788	AUSTIN, TX 78716-0788	360 S LBJ DR, SAN MARCOS, TX 78666
151703	NICOLA MATTHEW & SHEMAINE	1540 FRONTIER	SPRING BRANCH, TX 78070-5950	313 S LBJ DR, SAN MARCOS, TX 78666
32218	PORTER STREET PARTNERS LLC, C/O DEL PRADO DIETZ, PLLC	323 WEST HOPKINS ST	SAN MARCOS, TX 78666	312 PORTER ST, SAN MARCOS, TX 78666
24460	REESE, KYLE D	111 BAYRIDGE RD	LA PORTE, TX 77571-3557	169-175 S LBJ DR, SAN MARCOS TX
45943	SAN MARCOS TELEPHONE CO INC	P O BOX 4065	MONROE, LA 71211-4065	
140981	SANCHEZ FRANCISCO & YSLENDIA M	PO BOX 276	MARTINDALE, TX 78655	328 GUADALUPE, SAN MARCOS, TX 78666
27287	TUTTLE LUMBER CO	PO BOX 357	LOCKHART, TX 78644-0357	S GUADALUPE ST, SAN MARCOS, TX 78666
32215	WELCH, KERMIT	321 S LBJ DR	SAN MARCOS, TX 78666	321 S LBJ DR, SAN MARCOS, TX 78666
41505	WESTLAKE INVESTMENT CORP	1509 GUADALUPE STE 200	AUSTIN, TX 78701	118 1/2 EDWARD GARY ST, SAN MARCOS, TX 78666
41565	WORLD CUP INVESTMENTS LLC & WARREN BOBBY	728 SNYDER HILL DR	SAN MARCOS, TX 78666	145 S GUADALUPE ST, SAN MARCOS, TX 78666
26136	ZELEDON LLC	P O BOX 160788	AUSTIN, TX 78715-0788	S GUADALUPE ST, SAN MARCOS, TX 78666
41544	ZUGHAIYER, MOHAMMAD	24 YELLOWSTONE WAY	PACIFICA, CA 94044-3740	166 S GUADALUPE ST, SAN MARCOS, TX 78666
	CONA REP Ramona & Rudy Rodriguez	533 Hull St	SAN MARCOS, TX 78666	
	CONA REP Amy Thomaides	1131 W MLK Dr	SAN MARCOS, TX 78666	
	CONA REP John Thomaides	813 Arizona	SAN MARCOS, TX 78666	
	NEIGHBORHOOD COMMISSION REP Bobbie Garza-Hernandez	122 Riviera St	SAN MARCOS, TX 78666	
	NEIGHBORHOOD COMMISSION REP Cathy Dillon	1000 Burleson	SAN MARCOS, TX 78666	
	NEIGHBORHOOD COMMISSION REP Roland Saucedo	211 Ebony St	SAN MARCOS, TX 78666	





TENANT IMPROVEMENTS FOR:

# GUS'S WORLD FAMOUS FRIED CHICKEN

CROSSROADS CENTER

110 E. MARTIN LUTHER KING DRIVE

SAN MARCOS, TEXAS 78666

TABS 2023004944

1



VICINITY MAP



12 SEPT., 2022

NO.	DATE	REVISION	CODE	REVIEW
1	2.17.23			

GUS'S WORLD FAMOUS  
FRIED CHICKEN  
CROSSROADS CENTER  
110 E. M.L.K. DRIVE SAN MARCOS, TX 78666



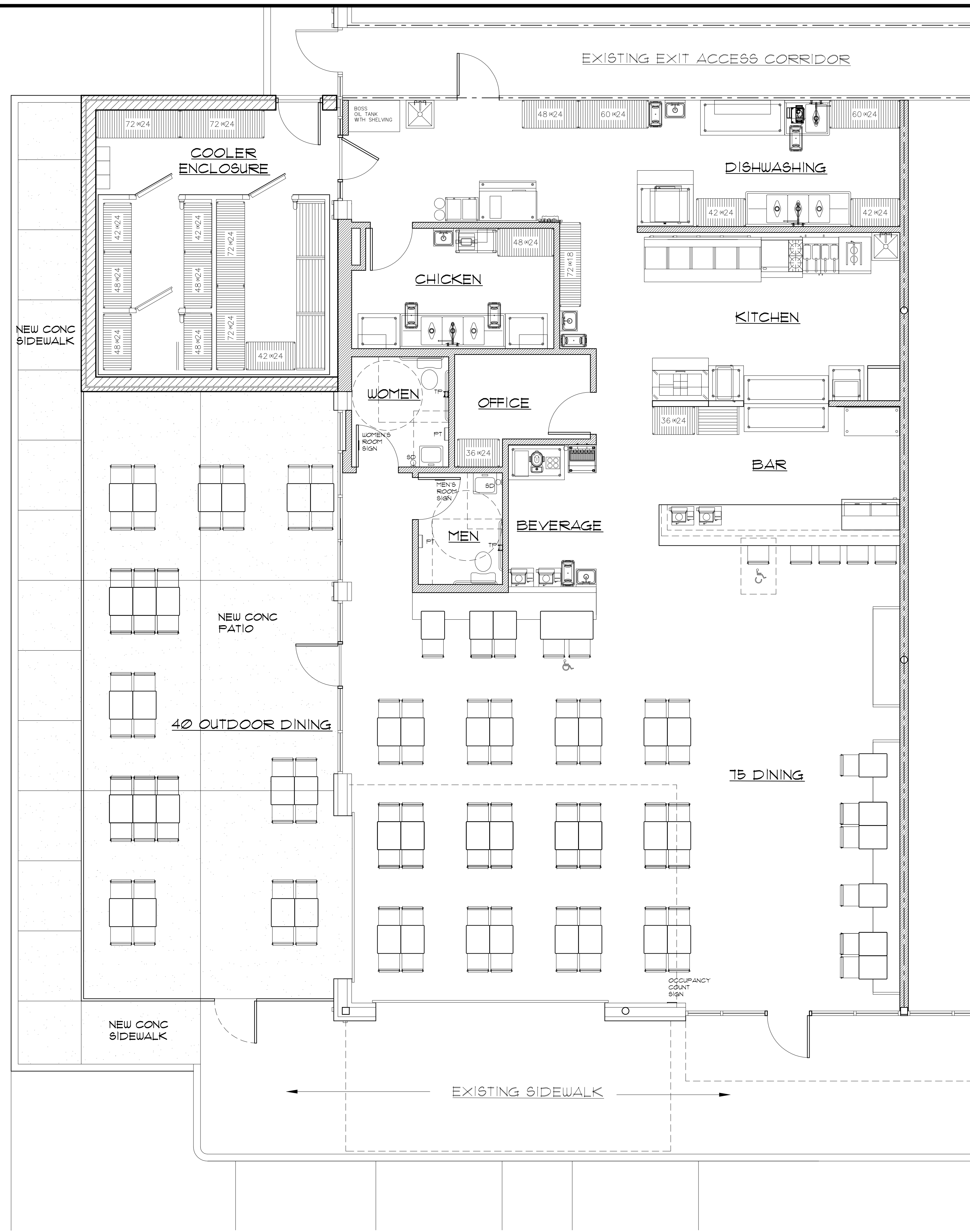
ARCHITECTURE  
SCENIC DESIGN  
6815 TALISMAN COVE  
MEMPHIS, TN 38119  
901.299.7410

**WALKER**  
Michael J. Walker, AIA



SHEET TITLE
TITLE SHEET
DATE
12 SEPT., 2022
PROJECT NO.
22-010
SHEET NO.
T.1





LEGEND

- EXISTING EXTERIOR CONSTRUCTION TO REMAIN
- EXISTING INTERIOR CONSTRUCTION TO REMAIN
- EXISTING 1 HR. RATED CONSTRUCTION TO REMAIN
- NEW INTERIOR CONSTRUCTION - 1/2" GYP ON EACH SIDE OF 3 5/8" METAL STUDS @ 16" O.C. W/ SOUND BATT INSULATION
- NEW UL U465 1 HR. RATED PARTITION - 5/8" TYPE X GYP ON EACH SIDE 6" METAL STUDS W/ BATT INSULATION TO DECK - FIRE CAULK ALL JOINTS
- NEW COOLER SCREEN - BRICK VENEER ON 8" CMU - SEE SECTION

1B

LEGEND

NA

Kaitlin – the outdoor seating area is 735 SF and the indoor seating area is 1,235 SF – Please see the attached sent previously. (5/15/23)

TV's (2) are on the back wall of the Bar and the Seating side of the Men's Room (ETV / EV )

Sincerely

Michael J. Walker AIA  
President



**WALKERarch**<sub>LLC</sub>

Michael J. Walker, AIA

6815 Talisman Cove Memphis TN 38119  
105 N. Center St. Su. 207 Collierville TN 38017  
901.299.7410



12 SEPT., 2022

NO.	DATE	REVISION

GUS'S WORLD FAMOUS  
FRIED CHICKEN  
CROSSROADS CENTER  
110 E. M.L.K. DRIVE SAN MARCOS, TX 78666



ARCHITECTURE  
SCENIC DESIGN  
6815 TALISMAN COVE  
MEMPHIS, TN  
38119  
901.299.7410

**WALKER**  
Michael J. Walker, AIA



SHEET TITLE
SEATING AND EQUIPMENT FLOOR PLAN
DATE
12 SEPT., 2022
PROJECT NO.
22-010
SHEET NO.
A12

# Gus's World Famous Hot & Spicy Fried Chicken



851 Dickerson Pike  
Nashville, TN 37207

615.xxx.xxxx

Sunday-Thursday 11:00-9:00  
Friday-Saturday 11:00-10:00



We only serve fresh, never frozen, natural chicken and  
fry everything in peanut oil!

## Starters

Includes serving of ranch dressing

Fried Okra \$6.50 ~ Fried Pickle Spears \$7.50 ~ Fried Green Tomatoes \$7.50

## Plates

Includes baked beans, slaw, and white bread  
\$.50 extra for substitutions (see sides below)

2 Piece Dark (Thigh & Leg)	\$9.50	3 Piece Wing	\$12.50
3 Piece Dark (2 Thighs & Leg)	\$11.50	3 Tender	\$12.50
2 Piece White (Breast & Wing)	\$11.50	4 Tender	\$14.50
3 Piece White (2 Breasts & Wing)	\$14.50	Half Chicken (1 of Each Piece)	\$15.50

## Snacks

Includes chicken & white bread

2 Piece Dark \$6.50	~	2 Piece White \$7.25
8 Piece \$25.00		16 Piece \$48.00
12 Piece \$37.00		20 Piece \$58.00

## A La Carte

Thigh	\$3.50	Jalapeno	\$.35
Leg	\$3.00	Honey Mustard	\$.50
Tender	\$3.00	Ranch	\$.50
Wing	\$3.00	Honey	\$.75
Breast	\$4.25		

## Sides

	Small	Medium	Large	Extra Large
Baked Beans*	\$2.75	\$5.50	\$6.75	\$12.00
Slaw	\$2.75	\$5.50	\$6.75	\$12.00
Potato Salad	\$3.25	\$6.00	\$7.50	\$13.00
Greens*	\$3.25	\$6.00	\$7.50	\$13.00
Mac & Cheese	\$3.25	\$6.00	\$7.50	\$13.00
Fried Okra		\$6.00	\$7.50	\$13.00
Seasoned Fries		\$6.00	\$7.50	

\*Contains pork

See back for beverages, desserts, and kid's menu

## Beer and Wine

### Select

\$3.75

Budweiser  
Bud Light  
Coors Light  
Michelob Ultra  
Miller Light

\$3.50

PBR 16oz

### Premium

\$4.75

Angry Orchard  
Blue Moon  
Corona  
Falls City Pilsner  
KY Bourbon Barrel  
Not Your Father's Root Beer  
West 6 IPA  
West 6 Seasonal  
Yuengling

### 40oz

\$9.00

Budweiser  
Bud Light

### Champagne

\$90.00

Veuve Clicquot

\$300.00

Dom Perignon

### Wine

\$10.25

Red  
White

1.5 glasses per serving

Additional craft beer selection also available  
Please ask your server for details

## Homemade Pies

Slice - \$3.75 ~ Whole Pie - \$18.00

Chess Pecan  
Chocolate Chess Sweet Potato  
Coconut

+Ice Cream \$2.00

## Floats

IBC Root Beer Float \$4.50  
Not Your Father's Root Beer Float \$6.25  
Contains Alcohol (21+)

## Beverages

\$2.50

(Souvenir cup & free refills)

\$.50 off when you bring your souvenir cup back in on a return visit



Lemonade ~ Fanta Orange

Freshly Brewed Sweet Tea & Unsweet Tea

IBC Root Beer \$2.75 (No free refills)

Bottled Water \$2.00

## Kid's Corner

Kids 12 and under only

Grilled Cheese \$6.25  
2 Tenders \$6.25  
2 Wings \$6.25  
2 Legs \$6.25

All kid's meals include one side and a drink  
No drinks with kid's to-go orders

**FOLLOW US ON  
INSTAGRAM**



## We Cater!

**For catering menu and prices call 502.509.0146**

Gift Cards, T-shirts, and Hats Available





TEXAS ALCOHOLIC  
BEVERAGE COMMISSION  
*Texas Helping Businesses & Protecting Communities*

Document reference ID : 165988

## Licensing Application Summary

You must review your application and confirm that the information displayed here is correct. Select **Review and Confirm** to continue and make the payment. If the information is not correct, select **Next** to return to the application, edit the data as needed and finalize the submission. If you need to store the application packet for your records, select **Download**.

**Application ID:** 165988

**Applicant Name:** MLK Fried Friends LLC

**License Type applied for:** Wine and Malt Beverage Retailer's On-Premise Permit (BG)

### Entity Information

**Business Structure:** Limited liability company

**FEIN/SSN Number:** 874428748

**Member Managed or Manager Managed:** Member Managed

**Historically Underutilized Business:** No

**Veteran-owned business:** No

**Fraternal Owned:** No

**Secretary of State Filing Number:** 804379163

**Date Filed:** 1/7/2022

**Filing State:** 51

# CONDITIONAL USE PERMIT APPLICATION (ALCOHOL OUTSIDE CBA)



Updated: March, 2023

## CONTACT INFORMATION

Applicant's Name	Janet C Hickerson	Property Owner	Mark Shields
Company	MCK Fried Friends LLC	Company	MCK SM LLC
Applicant's Mailing Address	222 West Ave Unit 1301 Austin TX 78701	Owner's Mailing Address	510 Hearn St Austin TX 78701
Applicant's Phone #	512 496 6560	Owner's Phone #	512-422-1236
Applicant's Email	janeth.gustfried@chicken.com	Owner's Email	mark@primusre.com

## PROPERTY INFORMATION

Subject Property Address: 110 E. Martin Luther King Drive, Suite 106

Zoning District: CD-5D

Tax ID #: R 46-1245113

Legal Description: Lot 1-4 Block 1 Subdivision JS Travis Addition

Number of Parking Spaces: 100+

Is property more than 300' from church, school, hospital, or residential district? ☒ Y ☐ N

## DESCRIPTION OF REQUEST

Business Name: Gus's Fried chicken ☒ Restaurant ☒ Bar ☐ Other: \_\_\_\_\_

☒ NEW ☐ RENEWAL/AMENDMENT ☐ Mixed Beverage ☒ Beer & Wine ☐ Late Hours

Hours of Operation(ex. Mon 12pm-1am): Mon 11am-9pm Tue 11am-9pm Wed 11am-9pm

Thurs 11am-9pm Fri 11am-10pm Sat 11am-10pm Sun 11am-9pm

Indoor Seating Capacity: 78 Outdoor Seating Capacity: 40 Gross Floor Area: 118

## AUTHORIZATION

I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.

Initial Filing Fee 1,000\*

Technology Fee \$15

TOTAL COST \$1,015

Renewal/Amendment Filing Fee \$750\*

Technology Fee \$15

TOTAL COST \$765

\*Nonprofit Organization fees are 50% of the adopted fee listed for Conditional Use Permits

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

**PROPERTY OWNER AUTHORIZATION**

I, Mark Shields (owner name) on behalf of  
MLKSM, LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
110 E. MLK, Suite 106, San Marcos, TX 78666 (address).

I hereby authorize Janet Chickerson (agent name) on behalf of  
MLK Fried Friends LLC (agent company) to file this application for  
BG (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: Mark Shields Date: 5-3-2023

Printed Name, Title: Mark Shields, Manager MLKSM, LLC

Signature of Agent: Janet Chickerson Date: 5-4-23

Printed Name, Title: Janet Chickerson  
MLK Fried Friends LLC

Form Updated October, 2019



## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: 

Date: 5-2-23

Print Name: Janet C. Hickerson

Form Updated March, 2023





# **Public Hearing**

## **CUP-23-16**

### **Gus's Fried Chicken**

CUP-23-16 (Gus's Fried Chicken) Hold a public hearing and consider a request by Janet C. Hickerson, on behalf of MLK Fried Friends LLC, for a Conditional Use Permit to allow on premise consumption of Beer & Wine, located at 110 E. Martin Luther King Drive, Suite 106. (K. Buck)



# Property Information

- Approximately 2.5 acres
- Located on the South side of E MLK Dr between S Guadalupe St & S LBJ Dr





## Context & History

- Currently Vacant
- Surrounding Uses
  - Restaurant & Bar (Industry)
  - Entertainment & Bar (Putt Pub)
  - Multifamily (The View on the Square)
  - Retail
  - Bank

CUP-23-16

110 E MLK Dr. -  
Gus's Fried Chicken New CUP

Aerial View Map



Subject Property  
Parcel

0 125 250 500 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/6/2023

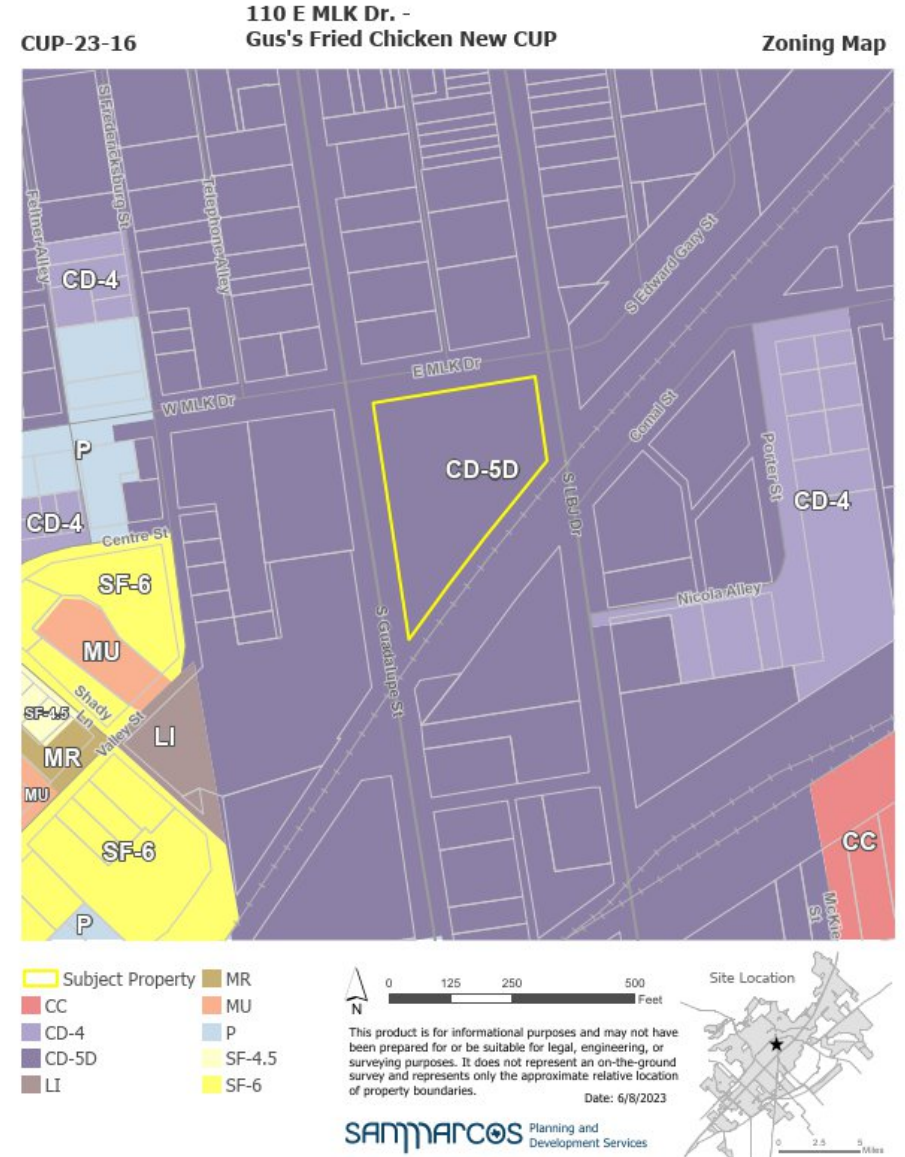
SAN MARCOS Planning and Development Services





## Context & History

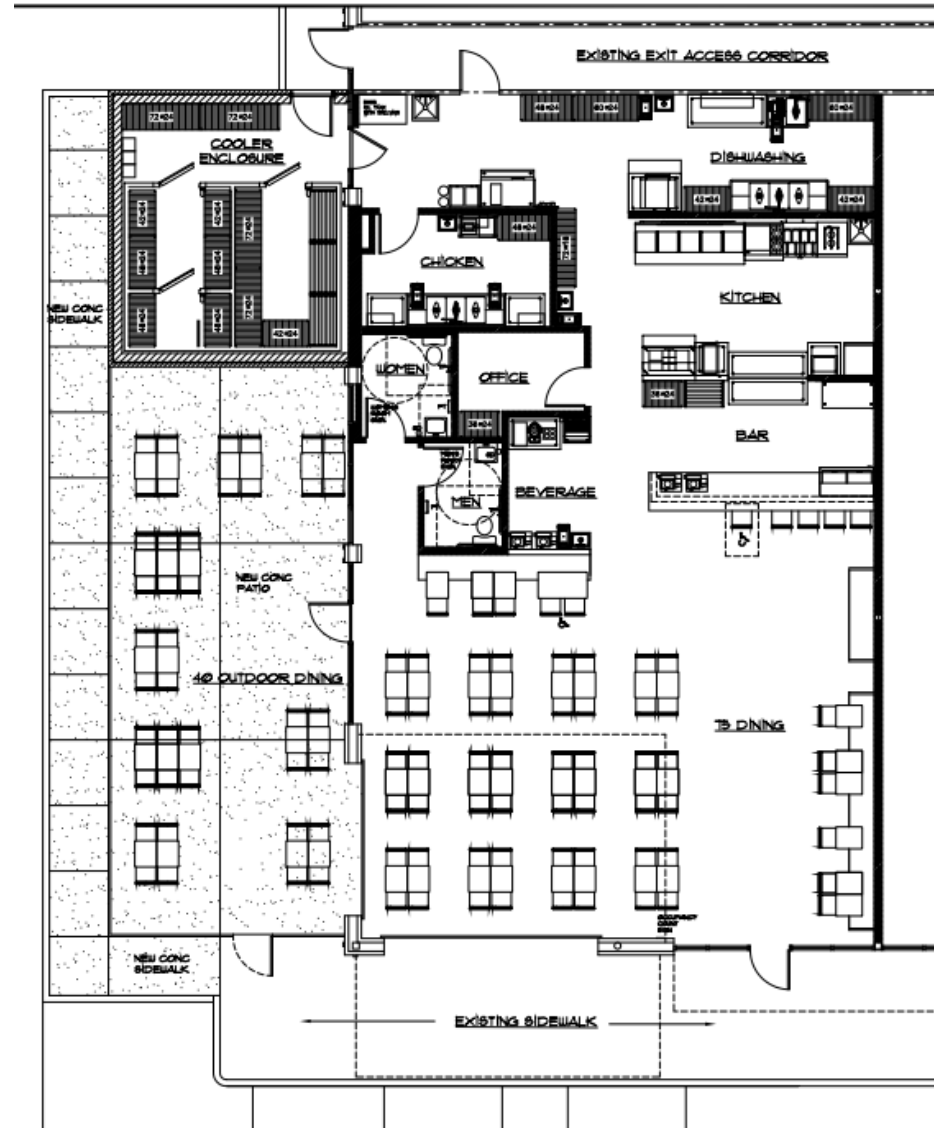
- Existing Zoning:  
Character District 5 Downtown  
(CD-5D)
- Proposed Use: Restaurant & Bar
  - Sunday-Thursday: 11am-9pm
  - Friday & Saturday: 11am-10pm
  - Outdoor Dining Area







# Floor Plan





# Site Plan





## Recommendation

- Staff recommends **approval** of CUP-23-16 with the following conditions:
  1. The permit shall be valid for one (1) year provided standards are met;
  2. Outdoor amplified music on the property shall not be permitted after 10 p.m.
  3. The permit shall be effective upon issuance of the Certificate of Occupancy;
  4. The permit shall be posted in the same area and manner as the Certificate of Occupancy;



## Legislation Text

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**File #:** PC-22-79, **Version:** 1

---

**AGENDA CAPTION:**

PC-22-79 (Millview Addition Replat) Hold a public hearing and consider a request by Chad Respondek, on behalf of ST Duran Real Estate, LP, for approval of a Replat of the Millview Addition, Lots 10-13, creating Block 1, Lot 1 to be known as the On the Grind Subdivision, consisting of approximately 0.757 acres and generally located at the southwest corner of the Aquarena Springs Dr. and Thorpe Ln. intersection. (W. Rugeley)

**Meeting date:** June 27, 2023

**Department:** Planning & Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

N/A

N/A

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Core Services



☒ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This replat seeks to create one (1) lot out of portions of four (4) lots in accordance with the regulations of the CC zoning district.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends **approval** of the replat, as presented.

<b>Plat - Replat</b>	<b>Millview Addition Replat Aquarena Springs Dr &amp; Thorpe Ln</b>
<b>PC-22-79</b>	



### Summary

<b>Request:</b>	Consideration of a Replat creating 1 lot out of portions of 4 lots		
<b>Applicant:</b>	Chad Respondek 12950 Country Pkwy, Ste 150 San Antonio, TX 78216	<b>Property Owner:</b>	ST Duran Real Estate, LP 2012 E 7 <sup>th</sup> St. Austin, TX 78702
<b>Parkland Required:</b>	N/A	<b>Utility Capacity:</b>	Existing
<b>Accessed from:</b>	Aquarena Springs Dr. & Thorpe Ln	<b>New Street Names:</b>	N/A

### Notification

<b>Published:</b>	1/8/2023		
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Location:</b>	Southwest corner of the Aquarena Springs Dr. and Thorpe Ln. intersection		
<b>Acreage:</b>	0.757	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CC	<b>Preferred Scenario:</b>	High Intensity
<b>Proposed Use:</b>	Coffee Shop w/drive thru		
<b>CONA Neighborhood:</b>	Millview West	<b>Sector:</b>	7

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	CC	Office & Gas Station	High Intensity
<b>South of Property:</b>	MF-18	Apartments	High Intensity
<b>East of Property:</b>	CC	Office	High Intensity
<b>West of Property:</b>	CC	Retail	High Intensity

### Staff Recommendation

<b>X</b>	<b>Approval as Submitted</b>	Approval with Conditions	Denial
<b>Staff:</b> Will Rugeley, AICP			
<b>Title:</b> Planner		<b>Date:</b> June 21, 2023	

### History

N/A.

### Additional Analysis

N/A.

Plat - Replat	Millview Addition Replat Aquarena Springs Dr & Thorpe Ln
PC-22-79	



Evaluation			Criteria for Approval (Sec.3.2.3.4)
Consistent	Inconsistent	Neutral	
		<u>N/A</u>	If no preliminary subdivision or development plat has been approved the criteria in Section 3.2.2.4 shall apply;
		<u>N/A</u>	The final subdivision plat or final development plat, as applicable, conforms to the approved preliminary subdivision plat or preliminary development plat, except for minor changes authorized under Section 3.2.3.5;
<u>X</u>			Where public improvements have been installed, the improvements conform to the approved public improvement construction plans and have been approved for acceptance by the Responsible Official;
		<u>N/A</u>	Where the Planning and Zoning Commission has authorized public improvements to be deferred, the subdivision improvement agreement and surety have been executed and submitted by the property owner in accordance with Section 3.4.2.1;
<u>X</u>			The final layout of the subdivision or development meets all standards for adequacy of public facilities in accordance with Section 3.5.1.1; and
		<u>N/A</u>	The plat meets any County standards to be applied under an interlocal agreement between the City and a County under Tex. Loc. Gov't Code Ch. 242, where the proposed development is located in whole or in part in the extraterritorial jurisdiction of the City and in the county.



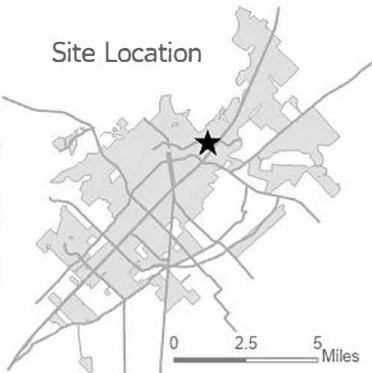


 Subject Property  
 Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/6/2023





**LEGEND**  
● — 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED  
○ — 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED  
▲ — "MMES RPLS 6490" UNLESS OTHERWISE NOTED  
▲ — UNMONUMENTED POINT  
POB — PLACE OF BEGINNING  
P — PROPERTY LINE  
R.O.W. — RIGHT-OF-WAY  
( ) — RECORD CALLS  
P.R.H.C. — PLAT RECORDS OF HAYS COUNTY, TEXAS  
O.P.R.H.C. — OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS

VACATE AND RESUBDIVISION PLAT  
OF A PORTION OF LOTS 10 THROUGH 13 AND A PORTION OF  
MEINERS STREET OF THE MILLVIEW ADDITION RECORDED IN  
VOLUME 112, PAGE 59, DEED RECORDS OF HAYS COUNTY, TEXAS,  
ESTABLISHING  
ON THE GRIND SAN MARCOS SUBDIVISION

IN THE CITY OF SAN MARCOS, HAYS COUNTY, TEXAS

**MM**  
MEALS★MYERS  
ENGINEERING & SURVEYING LLC

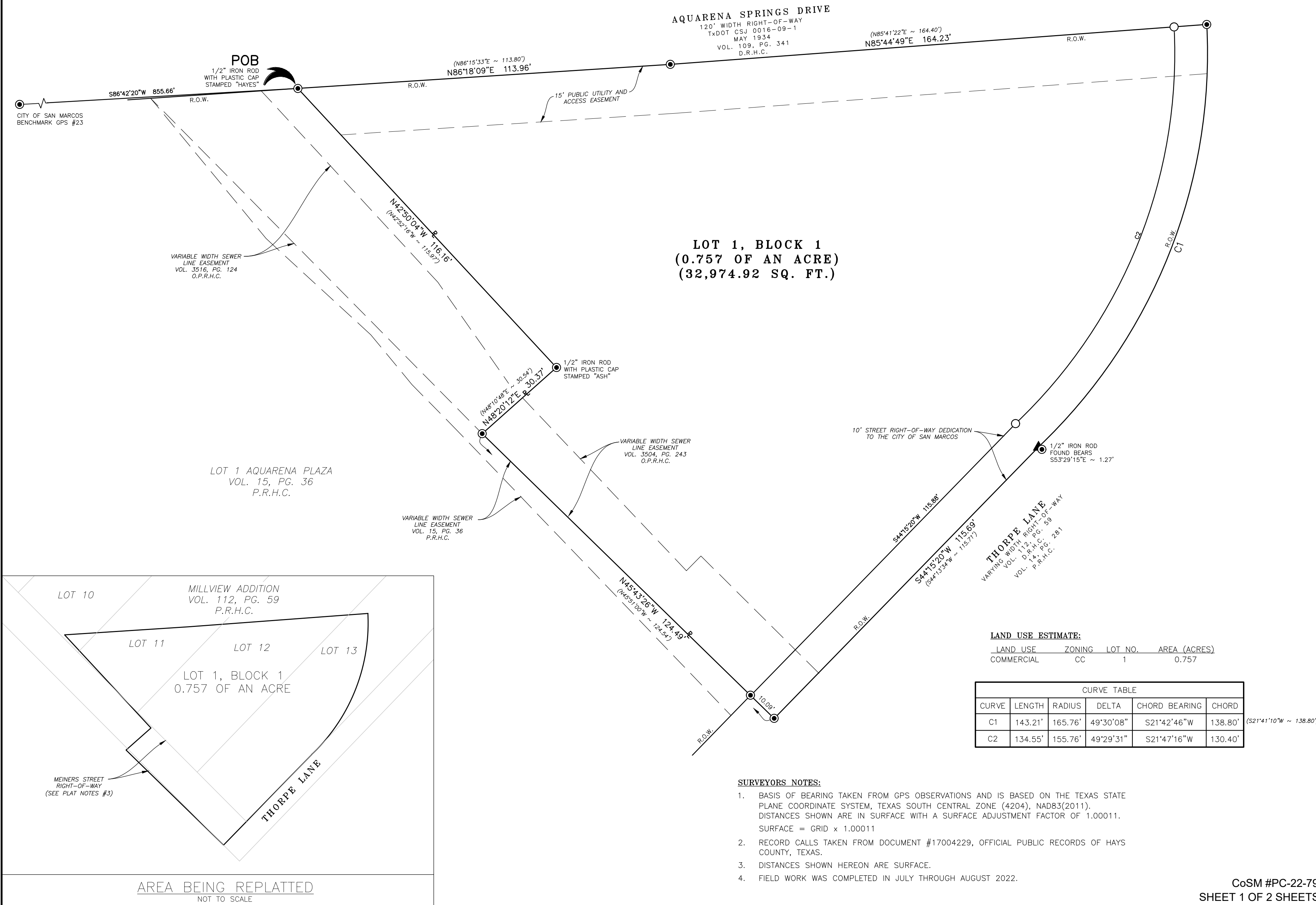
10906 LAUREATE DR. #101  
SAN ANTONIO, TX 78249  
(210) 740-2483 | (830) 931-1269  
TBPE No. F-18576  
TBPLS No. 101942291  
WWW.MEALSMYERS.COM

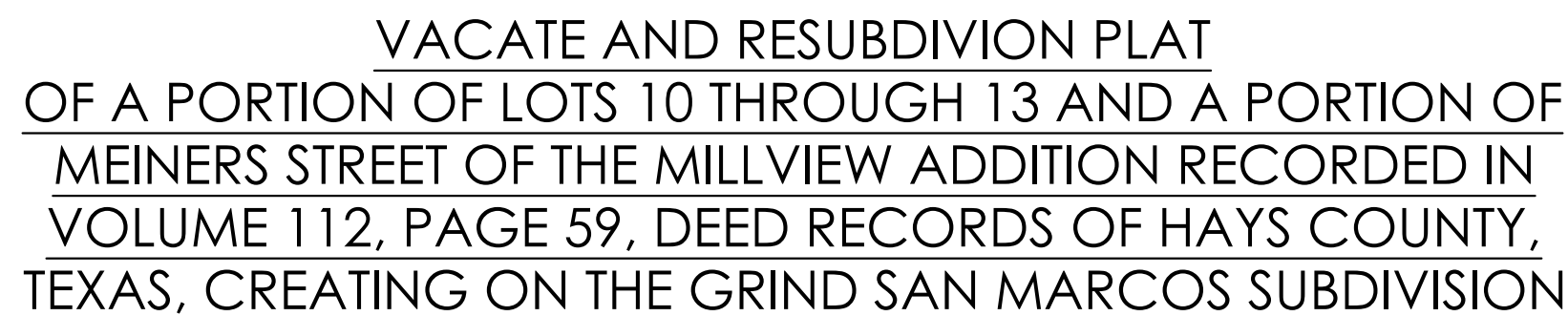
**balanced**  
SITE DESIGN


12950 COUNTY PARKWAY  
#150, SAN ANTONIO, TX 78216  
OFFICE: (210) 681-2951  
TBPE No. F-20752  
BALANCED SITE DESIGN, LLC

MMES PROJECT NO.: 22098

SCALE:  
1" = 20'





 <p><b>MEALS MYERS</b> ENGINEERING &amp; SURVEYING LLC</p>	<p>12950 COUNTY PARKWAY #150, SAN ANTONIO, TX 78216 OFFICE: (210) 681-2951 TBPE No. F-20752 BALANCED SITE DESIGN, LLC</p>
---	---

BE IT KNOWN THAT OTG INVESTMENTS, LLC, ACTING THROUGH OUR DULY AUTHORIZED REPRESENTATIVE, OWNER OF THAT CERTAIN 0.757 OF AN ACRE OF LAND BEING ALL OF A 0.7576 OF AN ACRE OF LAND AS CONVEYED IN DOCUMENT NUMBER 17004229, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS HEREON, SUBJECT TO ANY EASEMENTS PREVIOUSLY GRANTED AND NOT RELEASED, TO BE KNOWN AS, ON THE GRIND SAN MARCOS SUBDIVISION.

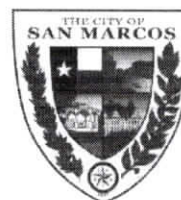
1. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF SAN MARCOS.
2. THIS PROPERTY IS LOCATED WITHIN THE SAN MARCOS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
3. MEINERS STREET RIGHT-OF-WAY ABANDONED BY CITY ORDINANCE 2008-46 AND CONVEYED TO WAYLAND J. ENDSLEY AND CHARLOTTE A ENDSLEY IN A DEED WITHOUT WARRANTY RECORDED IN VOLUME 3504, PAGE 273, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.
4. UTILITY SERVICES PROVIDED BY:  
ELECTRIC: SAN MARCOS TEXAS UTILITIES (SMTXU)  
WATER: CITY OF SAN MARCOS  
WASTEWATER: CITY OF SAN MARCOS SEWER  
TELEPHONE: CENTURY LINK OR SPECTRUM  
NATURAL GAS (IF USED): CENTERPOINTE ENERGY  
ALL OTHER UTILITIES, GAS, CABLE, INTERNET, ETC. ARE THE OWNERS RESPONSIBILITY
5. ALL DRAINAGE AND ACCESS EASEMENTS ON PRIVATE PROPERTY SHALL BE OWNED, OPERATED, AND MAINTAINED BY THE PROPERTY OWNER OR HIS/HER AGENT.
6. NO PORTION OF THIS PROPERTY LIES WITHIN THE BOUNDARIES OF THE CONTRIBUTING OR RECHARGE ZONES OF THE EDWARDS AQUIFER.
7. SIDEWALKS ARE REQUIRED AT THE TIME OF SITE DEVELOPMENT.

CoSM #PC-22-79  
SHEET 2 OF 2 SHEETS



# PRELIMINARY SUBDIVISION PLAT, REPLAT OR CONCEPT PLAT APPLICATION

Updated: September, 2020



## CONTACT INFORMATION

Applicant's Name	Chad Respondek	Property Owner	Antonieta Duran
Company	Balanced Site Design, LLC	Company	ST Duran Real Estate, LP
Applicant's Mailing Address	12950 Country Parkway, Suite 150, San Antonio, TX 78216	Owner's Mailing Address	2012 E 7th Street Austin, TX 78702
Applicant's Phone #	210-844-5023	Owner's Phone #	512-825-2630
Applicant's Email	chad@balancedsitedesign.com	Owner's Email	toniduran@gmail.com

## PROPERTY INFORMATION

Proposed Subdivision Name: On The Grind San Marcos

Subject Property Address or General Location: 1508 Aquarena Springs Dr., San Marcos, TX 78666

Acres: 0.757 Tax ID #: R 35816

Located in: ☒ City Limits ☐ Extraterritorial Jurisdiction (County) \_\_\_\_\_

## DESCRIPTION OF REQUEST

Type of Plat: ☐ Preliminary Subdivision Plat ☒ Replat ☐ Concept Plat

Proposed Number of Lots: 1 Proposed Land Use: Coffee Shop

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee \$1,057 plus \$50 per acre Technology Fee \$13 MAXIMUM COST \$2,513\*

*\*Replats that are not Administratively approved – Maximum Cost \$3,013*

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**



## SUBDIVISION IMPROVEMENT AGREEMENT ACKNOWLEDGEMENT

I understand, whenever public improvements to serve the development are deferred until after Final Subdivision or Development Plat approval, the property owner shall enter into a Subdivision Improvement Agreement by which the owner covenants to complete all required public improvements no later than two (2) years following the date upon which the Final Plat is approved.

- ☐ All required public improvements will be completed prior to approval of the Final Subdivision or Development Plat
- ☐ I wish to defer installation of public improvements until after approval of the Final Subdivision or Development Plat and have attached a Subdivision Improvement Agreement to be considered along with this Plat application
- ☒ The attached Minor / Amending / Preliminary Plat Application does not require a Subdivision Improvement Agreement

Signature of Applicant: 

Date: 9.23.2022

## NOTICE OF COMPLETENESS DETERMINATION & STATUTORY REVIEW TIMEFRAMES

I understand that the City of San Marcos requires online submittal of all applications through the Customer Portal at [www.mygovernmentonline.org](http://www.mygovernmentonline.org) and that the Responsible Official will review this application for completeness within 10 business days of online submittal. I understand that this application is not considered "filed" until all required documentation is received and reviewed for completeness. *Upon determination of completeness the City will send written correspondence stating that the application has been filed* and will provide a date, in accordance with the Texas Local Government Code, when the Planning and Zoning Commission will meet to hear the request.

- ☒ By checking this box I am requesting cursory review of this application prior to determination that the application is complete and filed. Cursory review comments shall not constitute a determination of completeness.

I also understand that as the applicant I may request, in writing, an extension to the statutory review timeframes.

Signature of Applicant: 

Date: 9.23.2022

## RECORDATION REQUIREMENTS\*\*\*

The following are required for recordation, following approval of a Plat application:

- ☒ Two (2) mylars of the subdivision plat (*Comal Co. requires White 20# Bond Paper*)
- ☐ Recording Fee: \$\_\_\_\_\_
- ☒ Tax Certificate, printed within 30 days of recordation date (paid prior to January 31<sup>st</sup> of current year)

Other possible recording requirements:

- ☐ If public improvements were deferred, Subdivision Improvement Agreement
- ☐ Subdivision Improvement Agreement recording fee: \$\_\_\_\_\_
- ☒ Other legal documents referenced on the plat (i.e. easement dedication by separate instrument, HOA documents)
- ☐ Other recording fee: \$\_\_\_\_\_

\*\*\*Recordation fees, mylars, and other requirements are not due at the time of submittal. Fees will depend on the number of pages needed for recordation and the County in which they are recorded. The total will be calculated upon approval.



# PC-22-79

## Millview Addition Replat

Hold a public hearing and consider a request by Chad Respondek, on behalf of ST Duran Real Estate, LP, for approval of a Replat of the Millview Addition, Lots 10-13, creating Block 1, Lot 1 to be known as the On the Grind Subdivision, consisting of approximately 0.757 acres and generally located at the southwest corner of the Aquarena Springs Dr. and Thorpe Ln. intersection. (W. Rugeley)



# Property Information

- Approx. 3/4 acres
- Creating 1 lot out of portions of 4 lots

PC-22-79

On the Grind - 1508 Aquarena Springs

Aerial Map



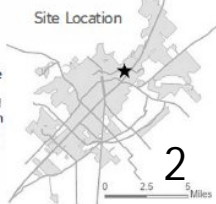
Subject Property  
Parcel

0 75 150 300 Feet

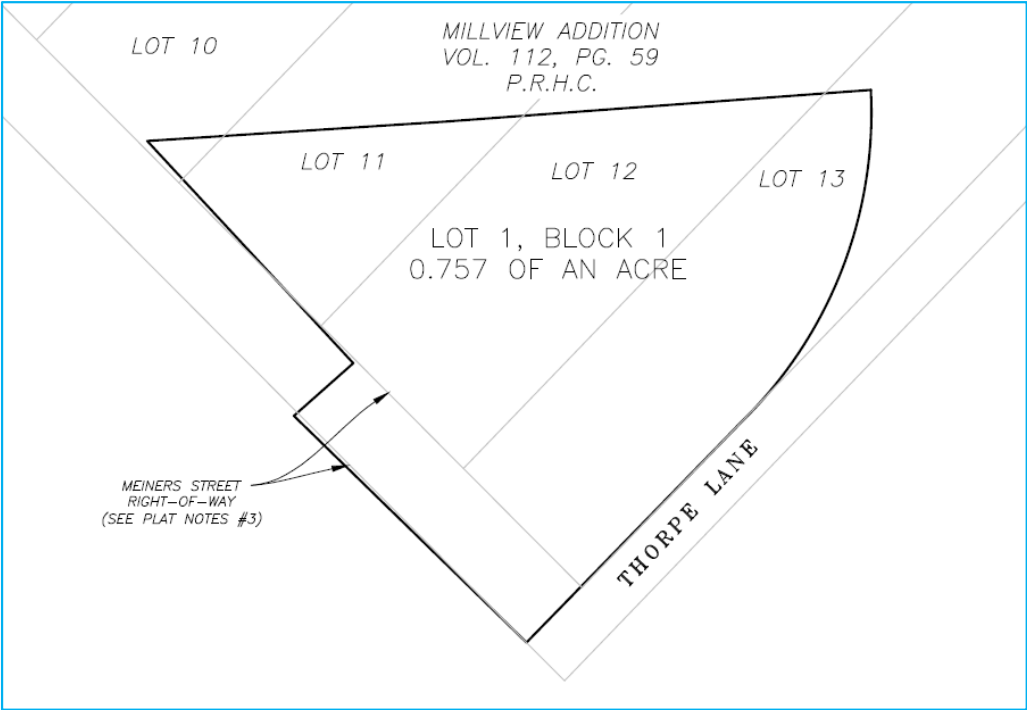
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 6/6/2023

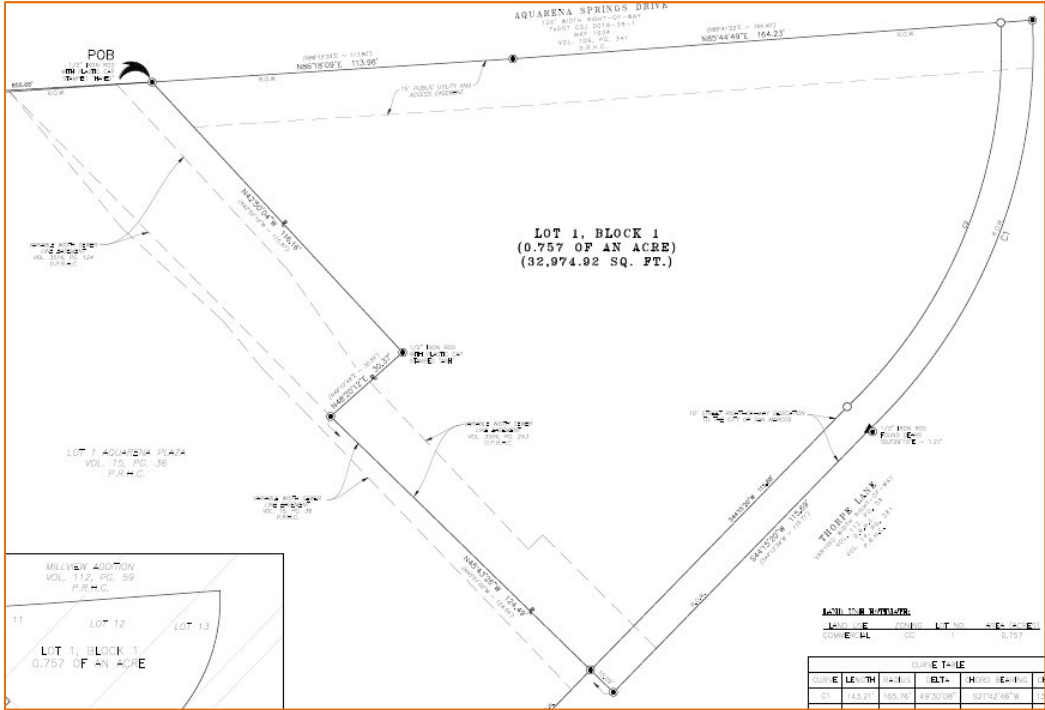
SAN MARCOS Planning and Development Services







Existing Configuration



Proposed Configuration



# Recommendation

Staff recommends **approval** of the replat, as presented.



## Legislation Text

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**File #:** ZC-23-05, **Version:** 1

---

**AGENDA CAPTION:**

ZC-23-05 (Basler Estates) Hold a public hearing and consider a request by Doucet and Associates, on behalf of Roni Realty LLC, FREIT LLC, and Elgin Ventures LLC, for a Zoning Change from Character District-3 (CD-3) to Character District-5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 24.48 +/- acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474 in Hays County Texas, generally located on S Old Bastrop Hwy approximately 550' southwest of the intersection between S Old Bastrop Highway and Rattler Rd. (J. Cleary)

**Meeting date:** June 27, 2023

**Department:** Planning and Development Services

**Amount & Source of Funding**

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**Fiscal Note:**

**Prior Council Action:** N/A

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

N/A

N/A

N/A

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

☐ Economic Development - Choose an item.

☐ Environment & Resource Protection - Choose an item.

☒ Land Use - High Density Mixed Use Dev. & Infrastructure in the Activity Nodes & Intesity Zones (supporting walkability and integrated transit corridors)

☐ Neighborhoods & Housing - Choose an item.

☐ Parks, Public Spaces & Facilities - Choose an item.



- ☐ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Vision San Marcos - A River Runs Through Us

**Background Information:**

The site is located within the City limits and was originally annexed and zoned as CD-3 in January 2020 (Ord. 2020-02). The site is located within the “East Village” in the 2013 Comprehensive Plan, which is an area envisaged as an “activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service-oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects.” It is also located within the boundaries of the “Second City Center/ East Village” in the draft Vision SMTX Comprehensive Plan. There is a single-family residential subdivision within the ETJ adjacent the site. In order to maintain a “buffer” between the proposed CD-5 zoning and the existing Hillside Village/ Cerro Vista subdivision, some land owned by the applicant has been excluded from the zoning change request (approximately 80’ along the southern boundary of the Hillside Village subdivision and 200’ from the eastern boundary) which will remain as CD-3. The applicant is proposing to retain this buffer as open space.

**Council Committee, Board/Commission Action:**

N/A

**Alternatives:**

N/A

**Recommendation:**

Staff recommends approval of this zoning change as presented.

# Zoning Request

## ZC-23-05

# Rattler Rd/Old Bastrop Hwy

## Basler Estates CD-3 to CD-5



### Summary

<b>Request:</b>	Zoning change from Character District-3 (CD-3) to Character District-5 (CD-5)		
<b>Applicant:</b>	Ed Theriot, Doucet and Associates 7401B Hwy 71W, Ste 160 Austin, Texas 78735	<b>Property Owner:</b>	Vikram Reddy Pasham, Roni Realty LLC, FREIT LLC, Elgin Ventures LLC 5108 Sky Lake Plano TX 75093

### Notification

<b>Application:</b>	May 11, 2023	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	June 11, 2023	<b># of Participants</b>	N/A
<b>Posted:</b>	June 9, 2023	<b>Personal:</b>	June 9, 2023
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	24.48 +/- acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474		
<b>Location:</b>	Generally located on S Old Bastrop Hwy approximately 550' southwest of the intersection between S Old Bastrop Highway and Rattler Rd		
<b>Acreage:</b>	24.48 +/- acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	CD-3	<b>Proposed Zoning:</b>	CD-5
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Multifamily and Commercial
<b>Existing Occupancy:</b>	Restrictions Do Not Apply	<b>Occupancy:</b>	Restrictions Do Not Apply
<b>Preferred Scenario:</b>	Medium Intensity Zone	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	5
<b>Utility Capacity:</b>	Extension Required at Developer's Expense	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

### Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	CD-5/ ETJ/ CD-3	Vacant/ Residential	Medium Intensity Zone
<b>South of Property:</b>	ETJ	Vacant/ Residential	Medium Intensity Zone
<b>East of Property:</b>	ETJ/ CC	Vacant/ Residential	Medium Intensity Zone
<b>West of Property:</b>	CD-4	Vacant/ Residential	Medium Intensity Zone

# Zoning Request ZC-23-05

# Rattler Rd/Old Bastrop Hwy Basler Estates CD-3 to CD-5



## Staff Recommendation

<u>X</u>	Approval as Submitted		Alternate Approval	<u>X</u>	Denial
Staff: Julia Cleary					
Title : Senior Planner			Date: June 21, 2023		

## History

The site is located within the City limits and was originally annexed and zoned as CD-3 in January 2020 (Ord. 2020-02).

The site is located within the “East Village” in the 2013 Comprehensive Plan, which is an area envisaged as an “activity node centered around the intersection of Old Bastrop and Hwy 123, East Village will boast a mix of commercial, retail, and service-oriented activity. This area will offer a variety of residential options including single family homes, duplexes, townhomes, and small multifamily projects.”

## Additional Analysis

There is a single-family residential subdivision within the ETJ adjacent the site. In order to maintain a “buffer” between the proposed CD-5 zoning and the existing Hillside Village/ Cerro Vista subdivision, some land owned by the applicant has been excluded from the zoning change request (approximately 80’ along the southern boundary of the Hillside Village subdivision and 200’ from the eastern boundary) which will remain as CD-3. The applicant is proposing to retain this buffer as open space.

## Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <b>Per Table 4.1 of the Land Development Code, Character District 5 should be “considered” in a Medium intensity Zone</b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <b>There are no adopted small area plans in effect for this site however the site is located within the “East Village” in the Comprehensive Plan and is also located within the proposed “Second City center” in the Draft SMTX Comprehensive Plan update.</b>



**Zoning Request**  
**ZC-23-05**

**Rattler Rd/Old Bastrop Hwy**  
**Basler Estates CD-3 to CD-5**



Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There is no development agreement in effect for this property</i></b>
<u>X</u>			Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
	<u>X</u>		Whether there are substantial reasons why the property cannot be used according to the existing zoning
<u>X</u>			Whether there is a need for the proposed use at the proposed location <b><i>The City does not have an adopted housing needs assessment however analysis undertaken as part of the pending Comprehensive Plan update indicated that between 42,000 and 54,000 new housing units would be required by 2050. The developer is also proposing to incorporate commercial uses into the development; as part of recent public outreach efforts regarding the Second City Center/ East Village Area Plan, many residents expressed a desire for goods and services within this area.</i></b>
<u>X</u>			Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development

Zoning Request	Rattler Rd/Old Bastrop Hwy
ZC-23-05	Basler Estates CD-3 to CD-5



Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><i>The rezoning is not proposed to have a significant adverse impact on property in the vicinity of the subject property.</i></b>
		<u>N/A</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5 <b><i>This is not a request for a Neighborhood Density District</i></b>
<u>X</u>			The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management <b><i>There are no known environmental constraints on the property.</i></b>
		<u>X</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare <b><i>There are no other identified factors which would substantially affect the public health, safety, morals, or general welfare of the population.</i></b>





- Subject Property
- Parcel
- City Limit

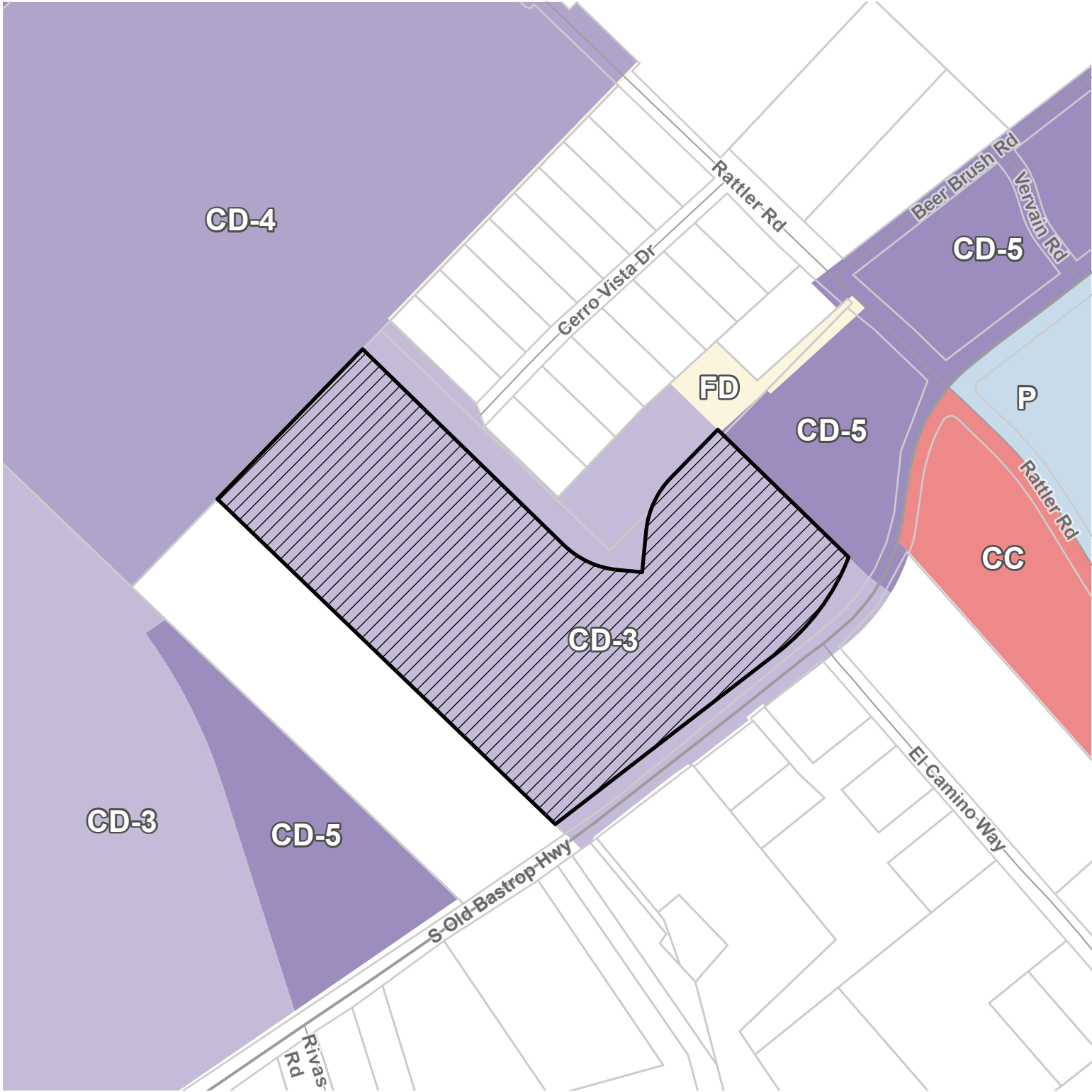


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/19/2023







- Subject Property
- CC
- CD-3
- CD-4
- CD-5
- FD
- P

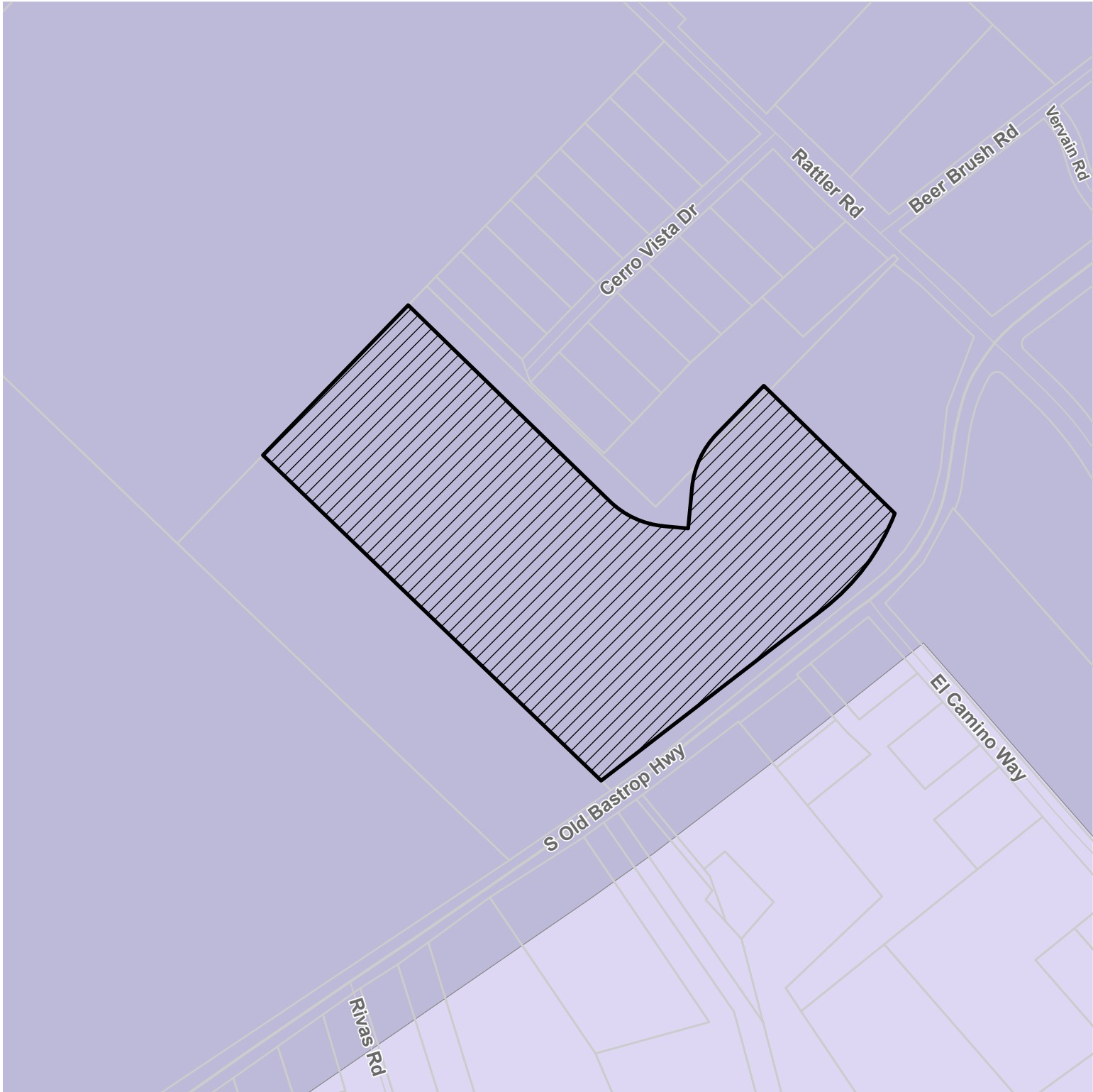


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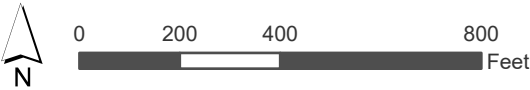
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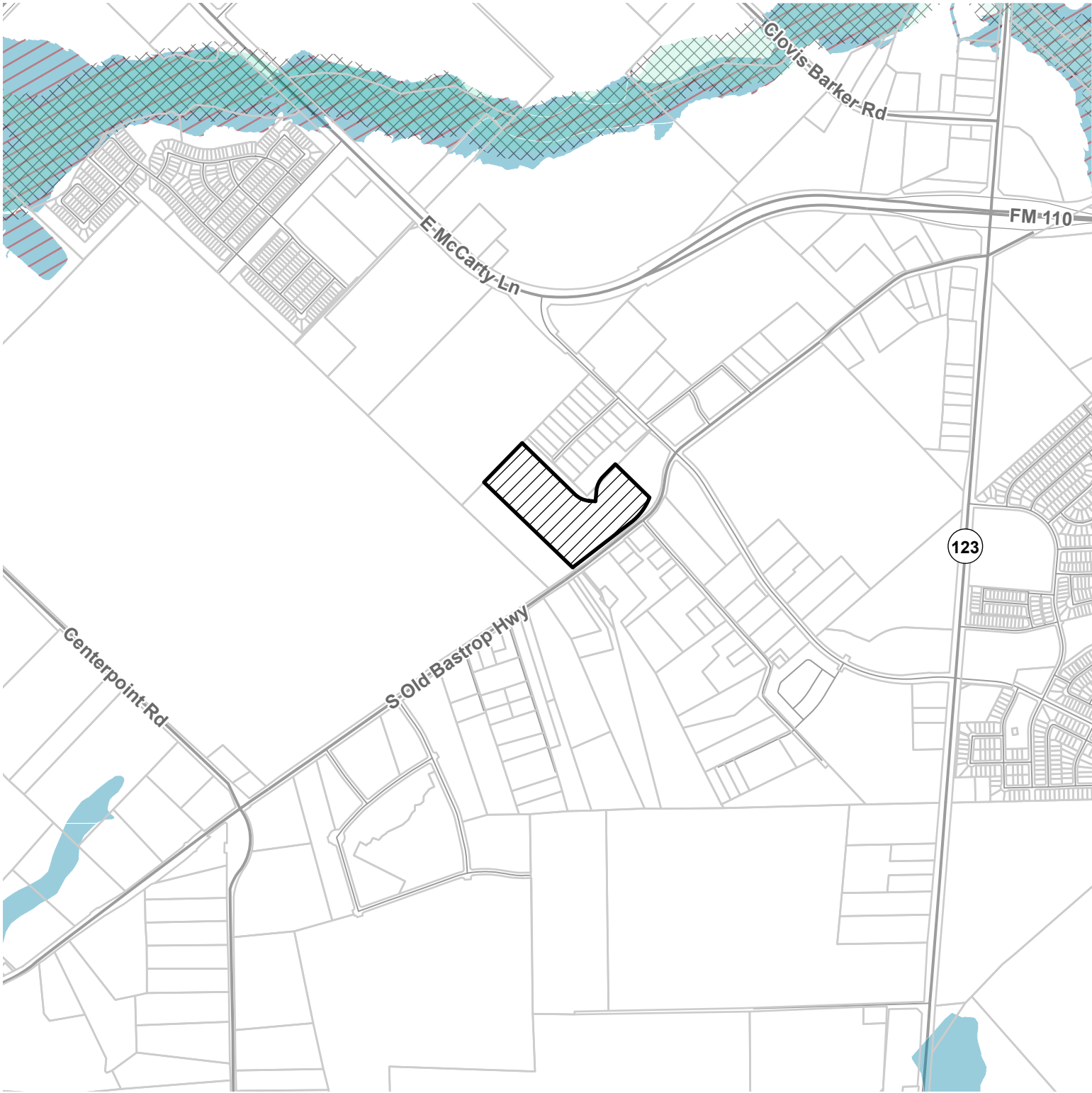
- Subject Property
- Parcels
- Medium Intensity
- Low Intensity



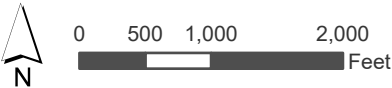
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Date: 5/19/2023





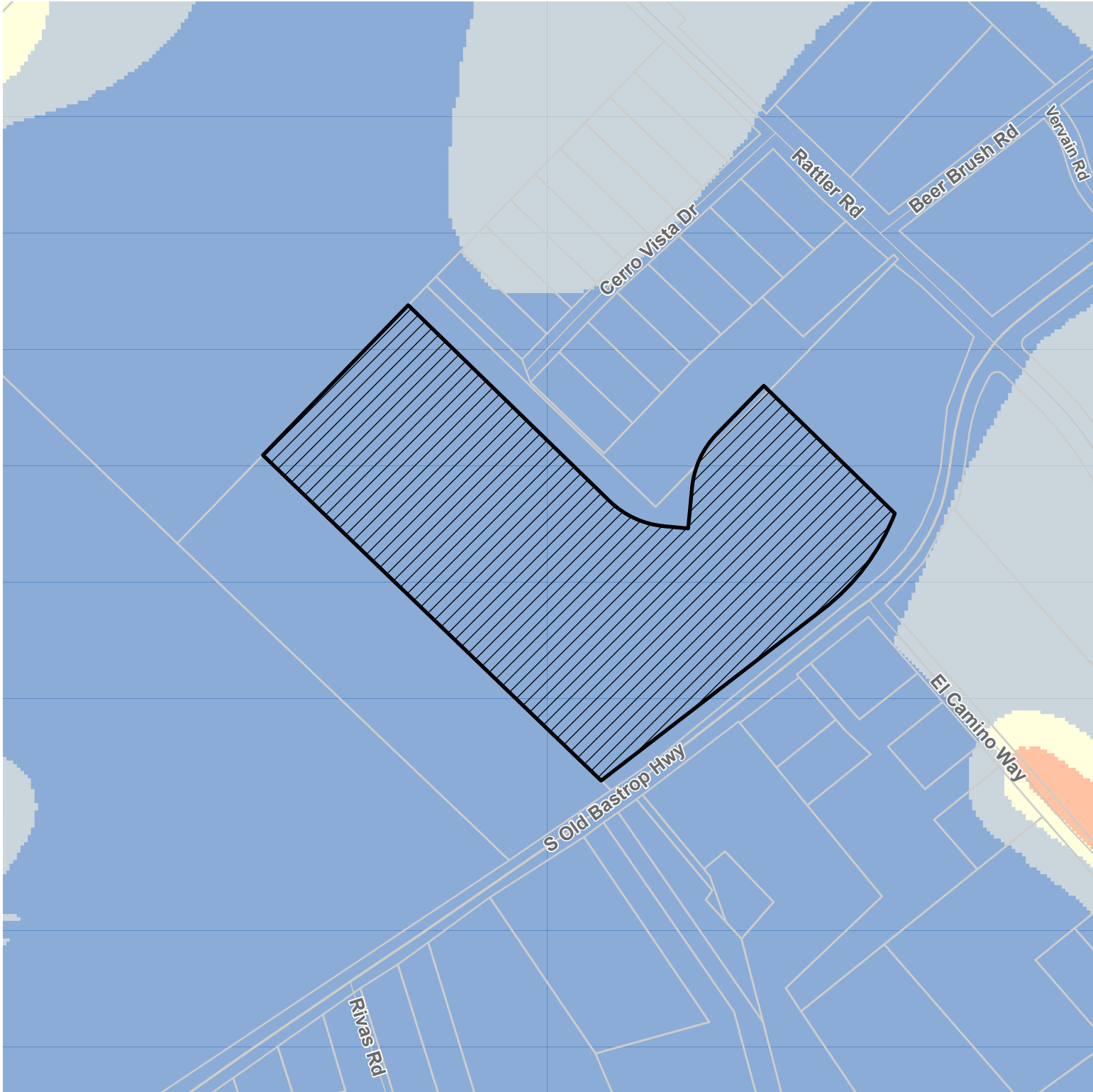
- Parcels
- Water Quality Zone
- Water Quality Zone Buffer
- Floodway
- 100 Year Floodplain
- Interstate
- Highway
- Major
- Minor
- Frontage
- Subject Property









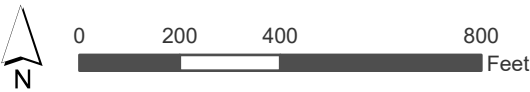
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Date: 5/19/2023





-  Subject Property
-  Parcels
-  1 - Least Constrained
-  2
-  3 - Moderately Constrained
-  4

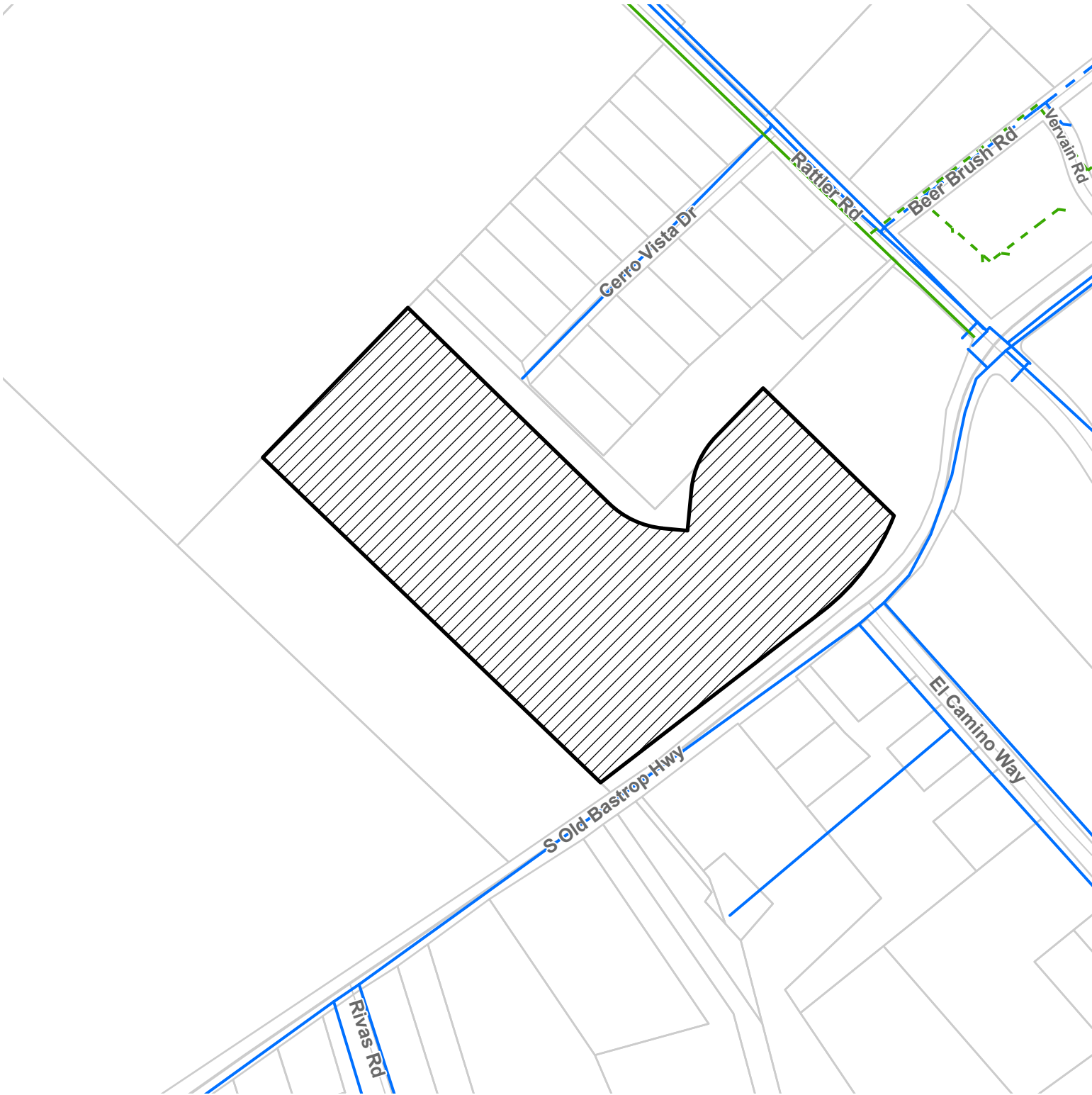


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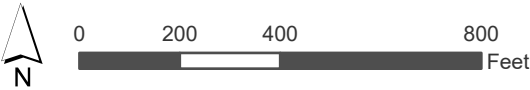
Date: 5/19/2023







- Subject Property
- Sanitary Main Active
- Sanitary Main Proposed
- Potable Water Main Active
- Potable Water Main Proposed
- Parcels



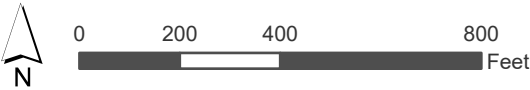
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Date: 5/19/2023





- Subject Property
- Enhanced, Ave
- Enhanced, Blvd
- Enhanced, HW
- Enhanced, Pkwy
- Proposed, Ave
- Proposed, Blvd
- Proposed, Pkwy
- Proposed, St

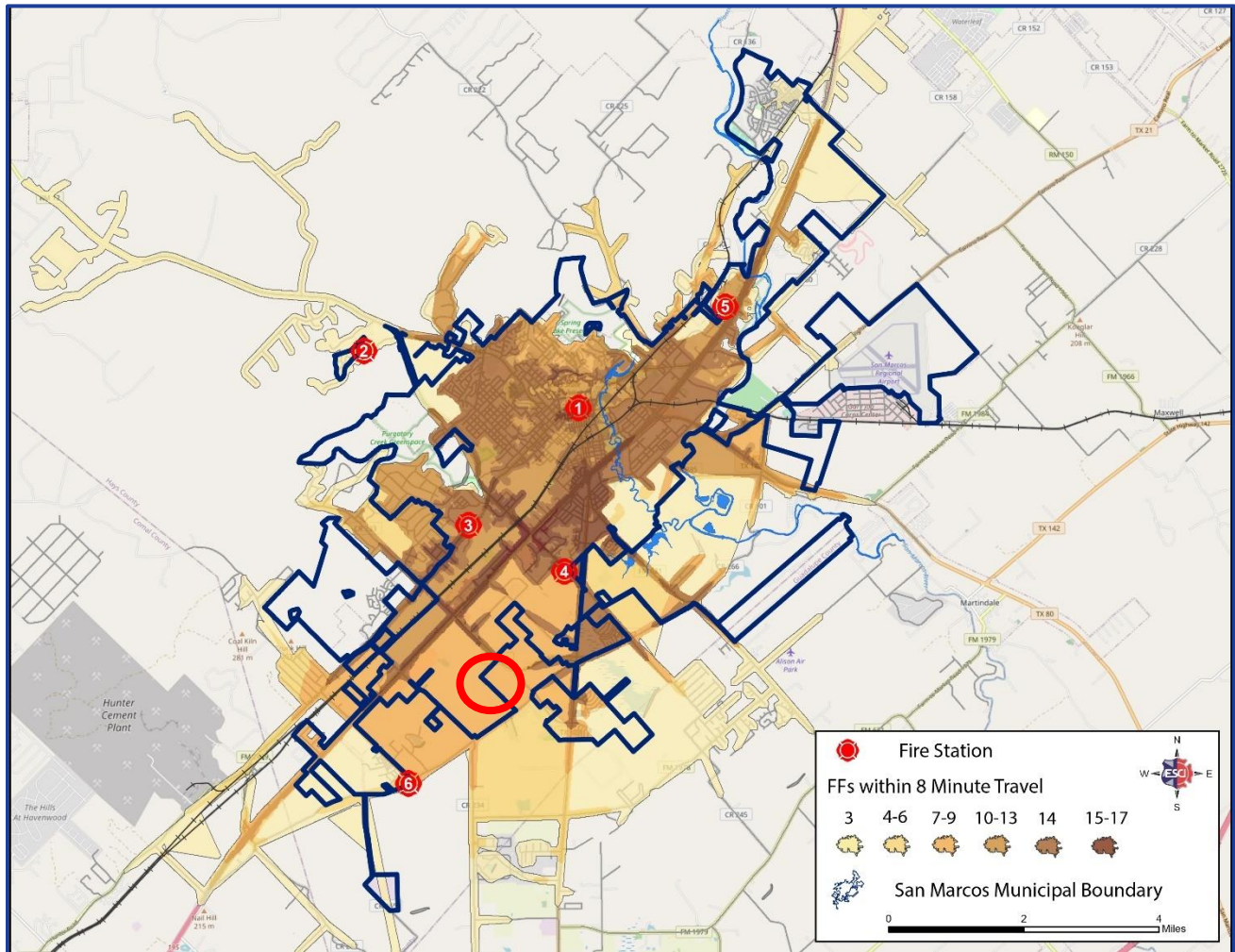


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Date: 5/19/2023



**Figure 112: SMFD 8-Minute Effective Response Force**  
***Six fire stations with Station 2 relocated to Centerpoint, and Station 6 at Old Bastrop west of Posey with minimum staffing of 20 personnel.***



**ZC-23-05 APPROXIMATE LOCATION**



PLANNING AND DEVELOPMENT SERVICES



06-05-23

ZC-23-05

**Notice of Public Hearing  
Zoning Change Request  
“CD-3” Character District-3 to “CD-5” Character District -5  
S Old Bastrop Hwy and Rattler Rd / Basler Estates CD-5**

*ZC-23-05 (S Old Bastrop Hwy & Rattler Rd / Basler Estates CD-5) Hold a public hearing and consider a request by Doucet and Associates, on behalf of Roni Realty LLC, FREIT LLC, and Elgin Ventures LLC, for a Zoning Change from Character District-3 (CD-3) to Character District-5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 24.48 +/- acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474 in Hays County Texas, generally located on S Old Bastrop Hwy approximately 550' southwest of the intersection between S Old Bastrop Highway and Rattler Rd. (J.Cleary)*

The San Marcos Planning and Zoning Commission will consider the above request at an upcoming public hearing to obtain citizen comments and will recommend approval, or denial of the request. This recommendation will be forwarded to the San Marcos City Council. Before making a final decision, the Council will hold a public hearing to obtain citizen comments. Because you are listed as the owner of property located within 400 feet of the subject property, we would like to notify you of the following public hearings and seek your opinion of the request:

- A public hearing will be held at the hybrid, virtual / in-person, Planning and Zoning Commission Meeting on **Tuesday, June 27<sup>th</sup>, 2023** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: <http://sanmarcostx.gov/541/PZ-Video-Archives>. Or email [planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov) or call 512-393-8230 to request a link or phone number to participate in the public hearing virtually by computer, mobile device, or phone.
- A public hearing will be held at the hybrid, virtual / in-person, City Council Meeting on **Tuesday, August 1<sup>st</sup>, 2023** at 6:00 p.m. in the City Council Chambers, 630 E. Hopkins. One may watch the public hearing on Grande channel 16 or by using the following link: <https://sanmarcostx.gov/Videos>. Or email [citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov) or call 512-393-8090 to request a link to participate in the public hearing virtually by computer, mobile device, or phone.

Public Hearings will be a hybrid of in-person and virtual meetings. All interested citizens are invited to attend in person, but are encouraged to watch or participate in the public hearing virtually by the means described above. If you cannot participate in the public hearing of the Planning and Zoning Commission or the City Council, but wish to comment, you may write to the below address. **All written comments and requests to participate must be received before 12 PM on the day of the meeting.**

**For Planning & Zoning Commission:**

Planning and Development Services  
630 East Hopkins  
San Marcos, TX 78666  
[planninginfo@sanmarcostx.gov](mailto:planninginfo@sanmarcostx.gov)

**For City Council:**

[citizencomment@sanmarcostx.gov](mailto:citizencomment@sanmarcostx.gov)

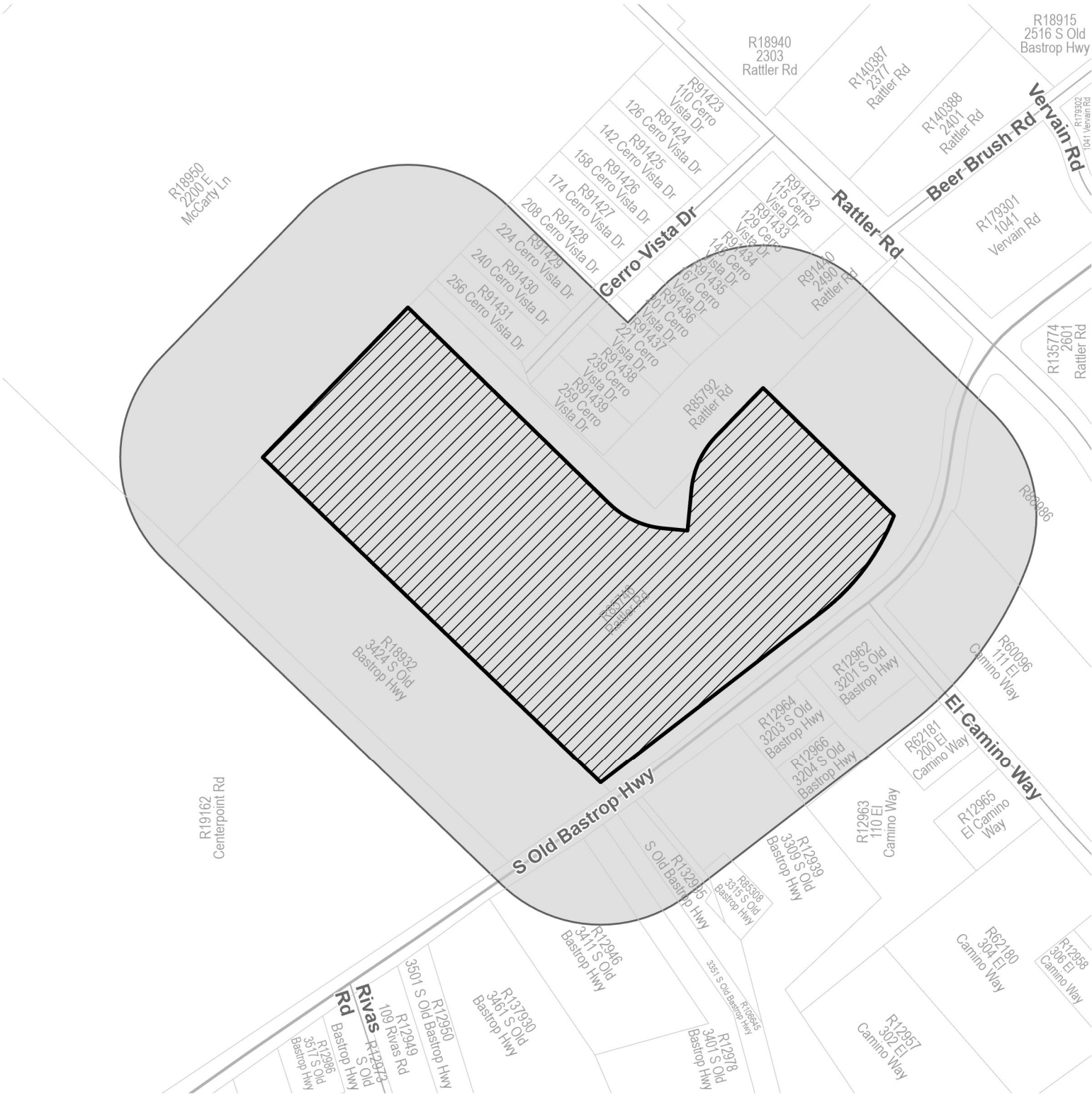
For more information regarding this request, contact the case manager, **Julia Cleary**, at **512.805.2658** or [jcleary@sanmarcostx.gov](mailto:jcleary@sanmarcostx.gov) When calling, please refer to case number **ZC-23-05**

*The City of San Marcos does not discriminate on the basis of disability in the admission or access to its services, programs, or activities. Individuals who require auxiliary aids and services for this meeting should contact the City of San Marcos ADA Coordinator at 512-393-8000 (voice) or call Texas Relay Service (TRS) by dialing 7-1-1. Requests can also be faxed to 512-393-8074 or sent by e-mail to [ADArequest@sanmarcostx.gov](mailto:ADArequest@sanmarcostx.gov)*

PLANNING AND DEVELOPMENT SERVICES

Enclosure: Map (See Reverse)

**CITY HALL • 630 EAST HOPKINS • SAN MARCOS, TEXAS 78666 • 512.393.8230  
SANMARCOSTX.GOV**



- Subject Property
- Parcel
- 400ft Buffer



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Date: 6/2/2023



Property ID	Site Address	Owner	Owner Address	Owner City /Zip/State
91434	145 CERRO VISTA DR, SAN MARCOS, TX 78666	BAILEY JESSICA	145 CERRO VISTA	SAN MARCOS, TX 78666
18932	3424 S OLD BASTROP HWY, SAN MARCOS, TX 78666	BURNS, BLAKE JAMES	3424 S OLD BASTROP HWY	SAN MARCOS, TX 78666
91433	129 CERRO VISTA DR, SAN MARCOS, TX 78666	COY MARY & GOMEZ MANUEL	129 CERRO VISTA DR	SAN MARCOS, TX 78666
106645	3351 S OLD BASTROP HWY, SAN MARCOS, TX 78666	DUCOTE, BRUCE A	3351 S OLD BASTROP HWY	SAN MARCOS, TX 78666
91436	201 CERRO VISTA DR, SAN MARCOS, TX 78666	FLORES, GUADALUPE, JR	201 CERRA VISTA DR	SAN MARCOS, TX 78666
88986	OLD BASTROP HWY/SH 123	FRAYEZUR PROPERTIES LP	PO BOX 629	SAN MARCOS, TX 78667
12940	3301 S OLD BASTROP RD, SAN MARCOS, TX 78666	GONZALES MIGUEL A & MARIA E	3301 OLD BASTROP HWY	SAN MARCOS, TX 78666
91438	239 CERRO VISTA DR, SAN MARCOS, TX 78666	GONZALEZ PABLO & ANGELICA	239 CERRO VISTA DR	SAN MARCOS, TX 78666-1067
180912	S OLD BASTROP HWY, SAN MARCOS, TX 78666	HAYS COUNTY	111 E SAN ANTONIO ST , STE 202	SAN MARCOS, TX 78666-5534
85294	CR 266, SAN MARCOS, TX 78666	HAYS COUNTY OF	AUDITORS OFFICE, 712 S STAGECOACH TRAIL	SAN MARCOS, TX 78666-5396
60096	111 EL CAMINO WAY, SAN MARCOS, TX 78666	ISLAS PEDRO T & JOSEFA G REVOCABLE LIVING TRUST	726 WILLOW CREEK CIR	SAN MARCOS, TX 78666-5058
91431	256 CERRO VISTA DR, SAN MARCOS, TX 78666	MARTINEZ ISAAC	256 CERRO VISTA DR	SAN MARCOS, TX 78666
91429	224 CERRO VISTA DR, SAN MARCOS, TX 78666	MATA RAMON & RUTH	224 CERRO VISTA DR	SAN MARCOS, TX 78666
85308	3315 S OLD BASTROP RD, SAN MARCOS, TX 78666	NATAL, FRANCES	RAYMOND & PATRICIA NATAL, 3315 S OLD BASTROP RD	SAN MARCOS, TX 78666
12946	3411 S OLD BASTROP RD, SAN MARCOS, TX 78666	NATAL, MARY ANN	3411 OLD BASTROP HWY	SAN MARCOS, TX 78666
12964	3203 S OLD BASTROP HWY, SAN MARCOS, TX 78666	NEWBY JERRY & PATRICIA	3203 S OLD BASTROP HWY	SAN MARCOS, TX 78666
91430	240 CERRO VISTA DR, SAN MARCOS, TX 78666	NGO ANNA	240 CERRO VISTA DR	SAN MARCOS, TX 78666-1066
91440	2486 MCCARTY LN, SAN MARCOS, TX 78666	PALACIOS LUIS	2486 E MCCARTY LN	SAN MARCOS, TX 78666-5029
91439	259 CERRO VISTA DR, SAN MARCOS, TX 78666	PATES DIGNA E	1612 MOCKINGBIRD DR	SAN MARCOS, TX 78666-7513
18946	MCCARTY LN, SAN MARCOS, TX 78666	PEREZ JULIAN & MARTINA CURA LP	2200 E MCCARTY LN	SAN MARCOS, TX 78666
91435	167 CERRO VISTA DR, SAN MARCOS, TX 78666	PEREZ, DOMINGO	167 CERRO VISTA DR	SAN MARCOS, TX 78666-1065
132995	S OLD BASTROP HWY, SAN MARCOS, TX 78666	RAYMOND MATTHEW & RASMEY MAU	3309 S OLD BASTROP HWY	SAN MARCOS, TX 78666-8938
91437	221 CERRO VISTA DR, SAN MARCOS, TX 78666	SANCHEZ THEODORA & SALAS ALFONSO	221 CERRO VISTA DR	SAN MARCOS, TX 78666
12962	3201 S OLD BASTROP RD, SAN MARCOS, TX 78666	SELVERA ALEX & CARMEN	3201 S OLD BASTROP RD	SAN MARCOS, TX 78666
12966	3204 S OLD BASTROP HWY, SAN MARCOS, TX 78666	SELVERA, ROSANNA	3204 S OLD BASTROP HWY	SAN MARCOS, TX 78666
85792	E MCCARTY & S OLD BASTROP, SAN MARCOS, TX 78666	SHC HOLDINGS LLC	ATTN: SCOTT SNYDER, PO BOX 160523	AUSTIN, TX 78716-0523
12978	3401/3403 S OLD BASTROP RD, SAN MARCOS, TX 78666	TOWNS REAL ESTATE HOLDINGS LLC	PO BOX 823	SAN MARCOS, TX 78667
19162	CENTERPOINT RD, SAN MARCOS, TX 78666	WALTON TEXAS LP	C/O WALTON GLOBAL HOLDINGS, LLC, 8800 N GAINES CENTER DR	SCOTTSDALE, AZ 85258-2124
		NEIGHBORHOOD COMMISSION REP Roland Saucedo	211 Ebony	SAN MARCOS, TX 78666
		NEIGHBORHOOD COMMISSION REP Michael Adams	106 Losoya Drive	SAN MARCOS, TX 78666

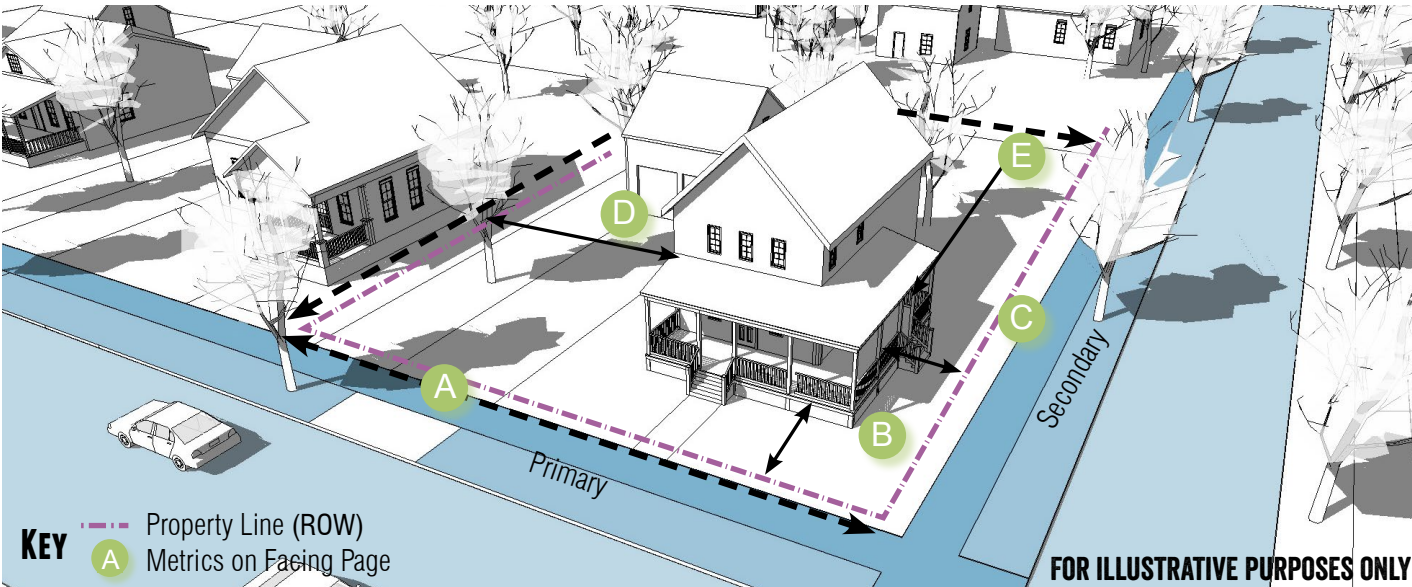
# Zoning District Comparison Chart

Topic	Existing Zoning: Character District – 3 (CD-3)	Proposed Zoning: Character District – 5 (CD-5)
<b>Zoning Description</b>	The CD-3 District is primarily intended to accommodate one- and two-family houses. Uses that would substantially interfere with the residential nature of the district are not allowed	The CD-5 district is primarily intended to provide a variety of residential, retail, service, and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.
<b>Uses</b>	Residential ( <i>See Land Use Matrix</i> )	Residential, Commercial, Office, etc. ( <i>See Land Use Matrix</i> )
<b>Parking Location</b>	Parking allowed in the Second and Third Layer	No parking in the 1st layer; Parking allowed in 2 <sup>nd</sup> layer along secondary street only
<b>Parking Standards</b>	2 spaces per dwelling unit	Dependent upon use
<b>Max Residential Units per acre</b>	10 units per acre (max)	N/A
<b>Occupancy Restrictions</b>	N/A	N/A
<b>Landscaping</b>	Tree and shrub requirements	Tree and shrub requirements
<b>Building Height (max)</b>	2 stories	2 stories (min), 5 stories (max) *Additional stories can be allowed by City Council via alternative compliance
<b>Setbacks</b>	15' front Setback, 5' side setback (interior), 10' side setback (corner), 15' rear set back.	0' minimum/12' max front, 0' side, and 0' rear
<b>Impervious Cover (max)</b>	60%	100%
<b>Lot Sizes</b>	Minimum 4,500 sq ft lot area, Minimum 30-40' ft lot width	Allows a variety of lot sizes depending on Building Type with 1,100 sq ft in area and 15' lot in width being the smallest allowed minimums
<b>Streetscapes</b>	Residential Street: 5' sidewalk, street trees every 50' on center average, 7' planting area between sidewalk and street required	Main Street: 10' sidewalk, street trees every 35' on center average, 7' planting area between sidewalk and street required
<b>Blocks</b>	2,800' Block Perimeter max	2,000 ft. block perimeter max



CD-3

SECTION 4.4.3.4 CHARACTER DISTRICT - 3



GENERAL DESCRIPTION

The CD-3 district is primarily intended to accommodate one and two family houses. Uses that would substantially interfere with the residential nature of the district are not allowed.

DENSITY

Impervious Cover	60% max.
Units Per Gross Acre	10 max.

TRANSPORTATION

Block Perimeter	2,800 ft. max.	Section 3.6.2.1
Streetscape Type	Residential	Section 3.8.1.10

BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.5.1
House	Section 4.4.5.2
Cottage Court	Section 4.4.5.3
Duplex	Section 4.4.5.4
Zero Lot Line House	Section 4.4.5.5
Civic Building	Section 4.4.5.14

**BUILDING STANDARDS**

Principle Building Height	2 stories max.	35 ft. max.
Accessory Structure Height	N/A	24 ft. max.

**LOT**

BUILDING TYPE	LOT AREA	LOT WIDTH
House	4,000 sq. ft. min.	40 ft. min.
Cottage Court	1,200 sq. ft. min.	20 ft. min.
Duplex	4,000 sq. ft. min.	40 ft. min.
Zero Lot Line House	3,500 sq. ft. min.	30 ft. min.
Civic Building	5,000 sq. ft. min.	50 ft. min.

All lots 45 feet or less in width shall take vehicular access from a rear alley except Cottage Courts.

**SETBACKS - PRINCIPAL BUILDING**

Primary Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	15 ft. min.
Rear, abutting alley	3 ft. min.

**SETBACKS - ACCESSORY STRUCTURE**

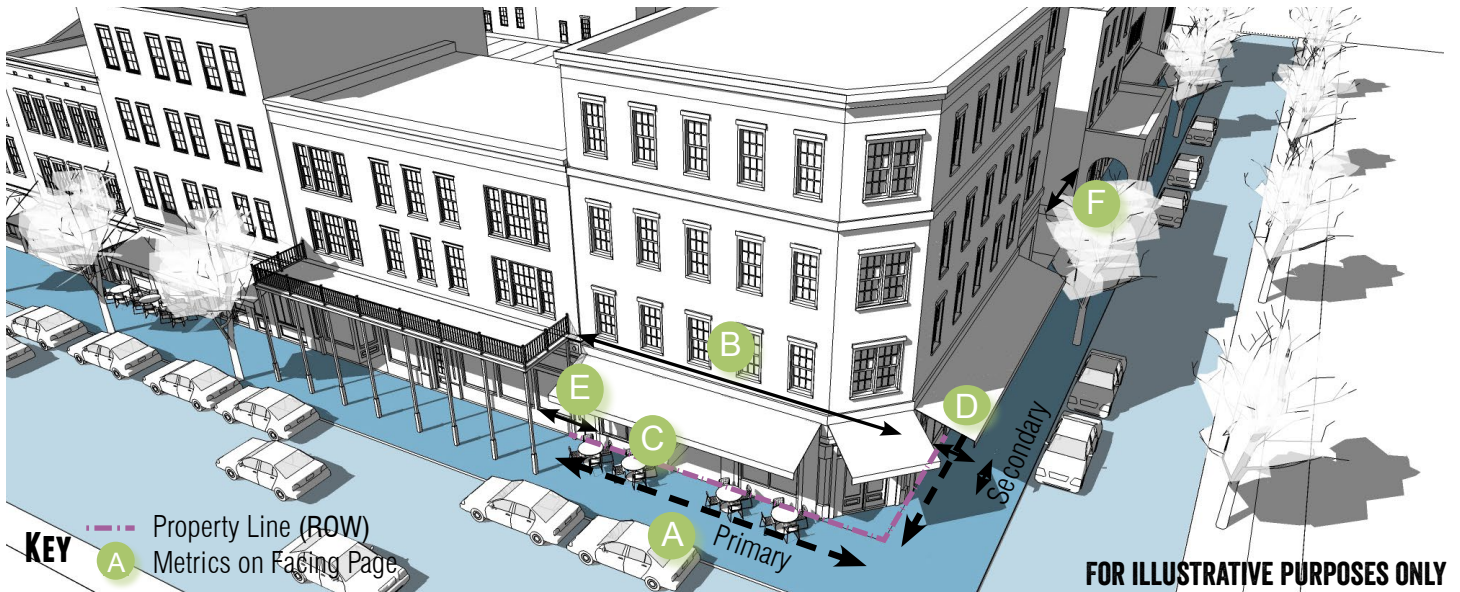
Primary Street	15 ft. min.
Secondary Street	10 ft. min.
Side	5 ft. min.
Rear	3 ft. min.

**PARKING LOCATION**

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed	Section 7.1.4.1
Third Layer	Allowed	Section 7.1.4.1

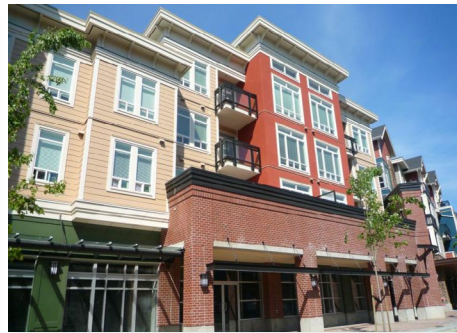
## CD-5

## SECTION 4.4.3.6 CHARACTER DISTRICT - 5



## GENERAL DESCRIPTION

The CD-5 district is intended to provide for a variety of residential, retail, service and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.



## TRANSPORTATION

Block Perimeter	2,000 ft. max	Section 3.6.2.1
Streetscape Type	Main Street Multi-Way	Section 3.8.1.6 Section 3.8.1.9

## DENSITY

Impervious Cover	100% max.
------------------	-----------

## BUILDING TYPES ALLOWED

Accessory Dwelling	Section 4.4.5.1
Townhouse	Section 4.4.5.6
Apartment	Section 4.4.5.9
Live/ Work	Section 4.4.5.10
Mixed Use Shopfront	Section 4.4.5.13
Civic Building	Section 4.4.5.14

## BUILDING STANDARDS

Building Height (Max.)*	5 stories	75 ft.
Building Height (Min.)*	2 stories	24 ft.
Ground Floor Elevation	2' min for ground floor residential	

\* Alternative Compliance available (see Section 4.3.4.4 or Section 4.3.4.6)

## LOT

BUILDING TYPE	LOT AREA	LOT WIDTH
Townhouse	1,500 sq. ft. min.	15 ft. min.
Apartment Building	2,000 sq. ft. min.	20 ft. min.
Live/Work	1,100 sq. ft. min.	15 ft. min.
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min.
Civic Building	2,000 sq. ft. min.	20 ft. min.

A

## SETBACKS - PRINCIPAL BUILDING

Primary Street	0 ft. min./ 12 ft. max.
Secondary Street	0 ft. min./ 12 ft. max.
Side	0 ft. min.
Rear	0 ft. min.
Rear, abutting alley	3 ft. min.

B

C

D

E

E

## SETBACKS - ACCESSORY STRUCTURE

Primary Street	20 ft. plus principal structure setback min.
Secondary Street	20 ft. plus principal structure setback min.
Side	0 ft. min.
Rear	3 ft. min. or 15 ft. from centerline of alley

## PARKING LOCATION

LAYER (SECTION 4.3.3.1)	SURFACE	GARAGE
First Layer	Not Allowed	Not Allowed
Second Layer	Allowed along secondary street only	Not Allowed
Third Layer	Allowed	Allowed

## BUILD-TO ZONE (BTZ)

Building Facade in primary street	80% min.
Building Facade in secondary street	60% min.

## DURABLE BUILDING MATERIAL AREA

Primary Material	80% min.
Secondary Material	20% max.
Blank Wall Area	25 ft. max.



## Section 5.1.1.2 Land Use Matrix

## Character District- 3 vs. Character District- 5

TABLE 5.1 LAND USE MATRIX

Types of Land Uses	Conventional Residential				Neighborhood Density Districts					Character Districts							Special Districts					Definition Use Standards			
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	CM				
Agricultural Uses																									
Barns or agricultural buildings	P	L	--	--	--	--	--	--	--	P	P	--	L	--	--	--	P	--	--	--	--	Section 5.1.2.1			
Stables	P	L	--	--	--	--	--	--	--	--	P	--	L	--	--	--	P	--	--	--	--	Section 5.1.2.2			
Community Garden	P	P	L	L	L	L	L	L	--	P	P	L	L	L	L	L	P	P	P	P	P	Section 5.1.2.3			
Urban Farm	P	C	C	C	C	C	L	L	C	P	P	L	L	L	C	C	P	P	--	P	C	Section 5.1.2.4			
Plant Nursery	L	--	--	--	--	--	--	--	P	--	L	--	--	--	P	P	P	P	P	--	P	Section 5.1.2.5			
Accessory Uses and Structures																									
Accessory Building/Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.1			
Accessory Dwelling Unit	L	L	L	L	L	L	L	P	P	--	P	L	L	P	P	P	--	--	--	--	--	Section 5.1.3.1			
Accessory Use, except as listed below:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.3.2			
Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	Section 5.1.3.2			
Outdoor Display	--	--	--	--	--	--	--	--	L	--	--	--	--	--	L	L	P	--	--	--	L	Section 5.1.3.2			
Food Truck	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.3.1			
Drive-thru or Drive-in	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.3.2			
Home Occupation	L	L	L	L	L	L	L	L	--	--	L	L	L	L	--	--	--	--	--	--	--	Section 5.1.3.4			
Family Home Care	P	P	P	P	P	P	P	P	--	--	P	P	P	P	--	--	--	--	--	--	--	Section 5.1.3.5			
Short Term Rental	L	L	L	L	L	L	L	L	P	--	L	L	L	P	P	P	--	--	--	L	P	Section 5.1.3.6			
Residential Uses																									
Single Family Detached / Tiny Home	P	L	L	L	L	L	L	L	--	--	P	L	P	P	--	--	--	--	--	--	--	Section 5.1.4.1			
Cottage Court	--	--	--	--	--	--	L	L	--	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1			
Two Family	--	--	--	--	--	--	L	L	--	--	--	--	P	P	--	--	--	--	--	--	--	Section 5.1.4.1			
Single Family Attached	--	--	--	--	L	L	L	L	L	--	--	--	P	P	P	P	--	--	--	--	--	Section 5.1.4.1			
Small Multi-Family (up to 9 units)	--	--	--	--	--	--	L	L	L	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1			
Courtyard Housing (up to 24 units)	--	--	--	--	--	--	--	L	L	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1			
Multi-family (10 or more units)	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	Section 5.1.4.1			
Purpose Built Student Housing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	--	--	Section 5.1.4.1			
Manufactured Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1			

LEGEND							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

## Character District- 3 vs. Character District- 5

TABLE 5.1 LAND USE MATRIX

Types of Land Uses	Conventional Residential				Neighborhood Density Districts					Character Districts						Special Districts					Definition Use Standards	
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH		CM
Mobile Home Community / Manufactured Home Park / Tiny Home Village	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Section 5.1.4.1
Community Home	L	L	L	L	L	L	L	P	P	--	P	L	P	P	P	P	--	--	--	L	--	Section 5.1.4.12
Fraternity or Sorority Building	--	--	--	--	--	--	--	C	C	--	--	--	--	C	P	P	--	--	--	--	--	Section 5.1.4.12
Commercial Uses																						
Professional Office	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	--	--	P	Section 5.1.5.1
Medical, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.2
Urgent care, emergency clinic, or hospital	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	--	--	P	Section 5.1.5.2
Nursing/ retirement home	--	--	--	--	--	--	--	P	P	--	--	--	--	P	P	P	P	--	--	--	P	Section 5.1.5.2
Personal Services, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (indoor)	C	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	--	--	--	P	Section 5.1.5.3
Animal care (outdoor)	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.3
Funeral Home	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.3
Adult Oriented Businesses	See Section 18, Article 6 of the City Code																					
All Retail Sales, except as listed below:	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.4
Gasoline Sales	--	--	--	--	--	--	--	--	L	--	--	--	--	--	C	C	P	--	--	--	C	Section 5.1.5.4
Truck stop	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	--	--	--	Section 5.1.5.4
Tattoo, body piercing	--	--	--	--	--	--	--	C	C	--	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Building material sales	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	P	P	--	P	Section 5.1.5.4
Vehicle Sales/ Rental	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	P	--	--	--	P	Section 5.1.5.4
Pawnshop	--	--	--	--	--	--	--	--	C	--	--	--	--	C	P	P	P	--	--	--	P	Section 5.1.5.4
Restaurant/ Bar, as listed below:																						
Eating Establishment	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	--	--	--	P	Section 5.1.5.5
Bar	--	--	--	--	--	--	--	--	C	--	--	--	--	--	C	C	C	--	--	--	C	Section 5.1.5.5
Mobile Food Court	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	--	--	--	--	--	Section 5.1.5.5

LEGEND							
P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted

## Character District- 3 vs. Character District- 5

TABLE 5.1 LAND USE MATRIX

Types of Land Uses	Conventional Residential				Neighborhood Density Districts					Character Districts							Special Districts					Definition Use Standards
	FD	SF-R	SF-6	SF-4.5	ND-3	ND-3.2	ND-3.5	ND-4	N-CM	CD-1	CD-2	CD-2.5	CD-3	CD-4	CD-5	CD-5D	HC	LI	HI	MH	CM	
Sale of Alcohol for on premise consumption	--	--	--	--	--	--	--	C	C	--	--	--	--	C	C	C	C	--	--	--	C	Section 5.1.5.5
Overnight Lodging, as listed below:																						Section 5.1.5.6
Bed and Breakfast (up to 8 rooms)	L	C	C	C	C	C	L	L	P	--	P	C	C	P	P	P	--	--	--	--	P	Section 5.1.5.6
Boutique Hotel (9 - 30 rooms)	--	--	--	--	--	--	--	C	P	--	--	--	--	P	P	P	--	--	--	--	P	Section 5.1.5.6
Hotel/ Motel (more than 30 rooms)	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	--	--	--	--	P	Section 5.1.5.6
Outdoor Recreation, except as listed below:	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	C	P	--	--	--	P	Section 5.1.5.7
Golf Course	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	--	--	C	C	Section 5.1.5.7
Traveler Trailers/ RVs Short Term stays	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	Section 5.1.5.7
Shooting Range	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	C	Section 5.1.5.7
Indoor Recreation, except as listed below:	--	--	--	--	--	--	--	--	P	--	--	--	--	--	P	P	P	P	P	--	P	Section 5.1.5.8
Gym/ Health club	--	--	--	--	--	--	--	L	P	--	--	--	--	L	P	P	P	P	P	--	P	Section 5.1.5.8
Smoking Lounge	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	C	--	--	--	--	P	Section 5.1.5.8
Charitable Gaming Facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	--	C	Section 5.1.5.8
Special Event Facility	C	C	--	--	--	--	--	--	C	--	C	--	--	--	--	--	--	--	--	--	--	Section 5.1.5.9
Public & Institutional																						
Civic, except as listed below:	P	L	L	L	L	L	L	P	P	L	L	L	L	P	P	P	P	P	P	P	P	Section 5.1.6.1
Day Care Center	C	--	--	--	C	C	C	L	P	--	C	C	C	L	P	P	P	--	--	--	P	Section 5.1.6.1
Parks, Open Space, and Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.2
Minor Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Section 5.1.6.3
Major Utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	--	Section 5.1.6.3
Antenna	See Section 5.1.6.3D																					
Industrial																						
Light Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	P	--	C	Section 5.1.7.1
Light Manufacturing	--	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	P	P	P	--	C	Section 5.1.7.2










## LEGEND

P	Permitted Use	L	Limited Use	C	Conditional Use	--	Uses Not Permitted
---	---------------	---	-------------	---	-----------------	----	--------------------

### Section 4.2.1.2 Building Types All **Character District- 3** vs. **Character District- 5**

Building types are allowed by district as set forth below.






**TABLE 4.10 BUILDING TYPES ALLOWED BY DISTRICT**

		FD CD-2 SF-R	SF-6 SF 4.5	ND-3	ND-3.5	ND-4	N-CM	CD-3	CD-4	CD-5	CD-5D	HC LI HI	CM
	ACCESSORY DWELLING UNIT	■	■	■	■	■	■	■	■	■	■	--	--
	HOUSE	■	■	■	■	■	--	■	■	--	--	--	--
	COTTAGE COURT	--	--	--	■	--	--	■	--	--	--	--	--
	DUPLEX	--	--	--	■	--	--	■	■	--	--	--	--
	ZERO LOT LINE HOUSE	--	--	■	■	--	--	■	--	--	--	--	--
	TOWNHOUSE	--	--	--	■	■	■	--	■	■	■	--	--
	SMALL MULTI-FAMILY	--	--	--	■	■	■	--	--	--	--	--	--
	COURTYARD HOUSING	--	--	--	--	■	--	--	■	--	--	--	--
	APARTMENT	--	--	--	--	--	--	--	■	■	■	--	--



## Character District- 3 vs. Character District- 5

TABLE 4.10 BUILDING TYPES ALLOWED BY DISTRICT

		FD CD-2 SF-R	SF-6 SF 4.5	ND-3	ND- 3.5	ND-4	N-CM	CD-3	CD-4	CD-5	CD-5D	HC LI HI	CM
	LIVE/ WORK	--	--	--	--	--	■	--	■	■	■	--	■
	NEIGHBORHOOD SHOPFRONT	--	--	--	--	■	■	--	■	--	--	--	--
	MIXED USE SHOPFRONT	--	--	--	--	--	■	--	--	■	■	--	■
	GENERAL COMMERCIAL	--	--	--	--	--	--	--	--	--	--	■	■
	CIVIC	■	■	■	■	■	■	■	■	■	■	■	■
<b>LEGEND</b>		■ =Allowed                      -- =Not Allowed											

(Ord. No. 2020-60, 9-1-2020)

**ZC-23-05 (Basler Estates CD-3 to CD-5) Zoning Change Review (By Comp Plan Element)**

**LAND USE – Preferred Scenario Map / Land Use Intensity Matrix**

	"C" Consider	"NP" Not Preferred	"PSA" Preferred Scenario Map Amendment required
Does the request meet the intent of the Preferred Scenario Map and the Land Use Intensity Matrix? <i>See Tables 4.1, 4.4, and 4.5 in the Land Development Code.</i>	<i>X – Per Table 4.1, Character Districts should be "considered" in Medium Intensity Zones</i>		

**ECONOMIC DEVELOPMENT – Furthering the goal of the Core 4 through the three strategies**

STRATEGY	SUMMARY	Supports	Contradicts	Neutral
Preparing the 21 <sup>st</sup> Century Workforce	Provides / Encourages educational opportunities			X
Competitive Infrastructure & Entrepreneurial Regulation	Provides / Encourages land, utilities, and infrastructure for business	X		
The Community of Choice	Provides / Encourages safe & stable neighborhoods, quality schools, fair wage jobs, community amenities, distinctive identity			X

**ENVIRONMENT & RESOURCE PROTECTION – Land Use Suitability & Development Constraints**

	1 (least)	2	3 (moderate)	4	5 (most)
Level of Overall Constraint	<b>100%</b>				
Cultural	<b>100%</b>				
Edwards Aquifer	<b>100%</b>				
Endangered Species	<b>100%</b>				
Floodplains	<b>100%</b>				
Geological	<b>100%</b>				
Slope	<b>100%</b>				
Soils	<b>100%</b>				
Vegetation	<b>100%</b>				
Watersheds	<b>100%</b>				
Water Quality Zone	<b>100%</b>				

**ENVIRONMENT & RESOURCE PROTECTION – Water Quality Model Results**

Located in Subwatershed(s):	Cottonwood Creek, York Creek, and Long Creek				
	0-25%	25-50%	50-75%	75-100%	100%+
Modeled Impervious Cover Increase Anticipated for watershed (Preferred Scenario)					
York Creek	X				
Long Creek	X				
Cottonwood Creek					X
<p>There are 3 sub watersheds located within the property – Cottonwood Creek, York Creek, and Long Creek. The southern part of the site part of the site falls within the York Creek sub watershed, and the eastern part of the site falls within the Long Creek sub watershed. The 2013 Comprehensive Plan water quality model did not anticipate any significant development within the Long Creek or York Creek sub watersheds - no impervious cover increase was anticipated for these sub watersheds for the preferred scenario.</p> <p>By contrast, the preferred scenario modelled an impervious cover increase of 342% for the Cottonwood Creek sub watershed, which covers the northern and western part of the site. At the time of the 2013 model, the Cottonwood Creek sub watershed was primarily, undeveloped and used for agriculture and the projected increase also accounted for the Paso Robles/ Kissing Tree, East Village, and Medical District developments.</p>					

**NEIGHBORHOODS – Where is the property located**

CONA Neighborhood(s):	N/A
Neighborhood Commission Area(s):	5
Neighborhood Character Study Area(s):	N/A

**PARKS, PUBLIC SPACES AND FACILITIES – Availability of parks and infrastructure**

	YES	NO
Will Parks and / or Open Space be Provided?	X	
Will Trails and / or Green Space Connections be Provided?	X	
<b>Maintenance / Repair Density</b>	Low (maintenance)	High (maintenance)
Wastewater Infrastructure	X	
Water Infrastructure	X	
<b>Public Facility Availability</b>		
	YES	NO
Parks / Open Space within ¼ mile (walking distance)? <i>The undeveloped Cottonwood Creek greenway is approximately 0.5 miles to the east of the development.</i>		X
Wastewater service available? <i>There is an 8' wastewater line on Rattler Rd – extensions will be required at the time of platting.</i>	X	
Water service available? <i>Waterlines on adjacent Cerro Vista Drive and Rattler Rd.</i>	X	

**TRANSPORTATION** – Level of Service (LOS), Access to sidewalks, bicycle lanes and public transportation

S Old Bastrop Hwy	A	B	C	D	F
Existing Daily LOS	X				
Existing Peak LOS	X				
Preferred Scenario Daily LOS	X				
Preferred Scenario Peak LOS	X				
		N/A	Good	Fair	Poor
Sidewalk Availability					X
Sidewalks along adjacent roadways will be required at the time of development					
	YES			NO	
Adjacent to existing bicycle lane? <i>There is a bike lane along Rattler Rd.</i>				X	
Adjacent to existing public transportation route?				X	
Notes:					



# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: March, 2023



## CONTACT INFORMATION

Applicant's Name	Ed Theriot	Property Owner	Vikram Reddy Pasham
Company	Doucet and Associates	Company	Roni Realty LLC, FREIT LLC, Elan Ventures LLC
Applicant's Mailing Address	7401 B Hwy 71 West, Suite 160 Austin, Texas 78735	Owner's Mailing Address	
Applicant's Phone #	512-618-2865	Owner's Phone #	972-666-115
Applicant's Email	etheriot@doucetengineers.com	Owner's Email	vic.reddy@ronirealty.com

## PROPERTY INFORMATION

Subject Property Address(es): Rattler Road and Old Bastrop Hwy

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Total Acreage: Approximately 24.5 acres Tax ID #: R 185387

Preferred Scenario Designation: East Village Existing Zoning: CD-3

Existing Land Use(s): Vacant

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): Character District-5 (CD-5)

Proposed Land Uses / Reason for Change: The owner would like to rezone the property to allow Multi-Family and Commercial Uses on the subject site.

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee\* \$1,000 plus \$150 per acre Technology Fee \$15 MAXIMUM COST \$5,015

*\*Existing Neighborhood Regulating Plan Included.*

Submittal of this digital Application shall constitute as acknowledgment and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## PROPERTY OWNER AUTHORIZATION

I, Vikram Reddy Pasham (owner name) on behalf of  
Roni Realty LLC, FREIT LLC, Elgin Ventures LLC (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
S. Old Bastrop Rd, San Marcos, TX (address).

I hereby authorize Ed Theriot (agent name) on behalf of  
Doucet and Associates (agent company) to file this application for  
Zoning Change (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner:  Date: 4/26/2023

Printed Name, Title: Vikram Reddy Pasham

Signature of Agent: Ed Theriot Date: 5/01/23

Printed Name, Title: Ed Theriot, AICP Senior Project Manager


Form Updated October, 2019

## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$150 plus a \$15 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: 

Date: 4/26/2023

Print Name: Vikram Reddy Pasham

Form Updated March, 2023



**DOUCET**

**24.48-Acre Tract  
Hays County, Texas**

7401B Highway 71 West, Suite 160, Austin, TX 78735

Office: 512.583.2600

Fax: 512.583.2601

[Doucetengineers.com](http://Doucetengineers.com)

“Exhibit “-----”

**D&A Job No. 2521-001**

**May 1, 2023**

**DESCRIPTION  
For a 24.48-Acre Tract**

**BEING A 24.48-ACRE TRACT OF LAND IN THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, BEING A PORTION OF A CALLED 28.73-ACRE TRACT OF LAND DESCRIBED TO FREIT LLC, RONI REALTY LLC, AND ELGIN VENTURES LLC, RECORDED IN DOCUMENT NUMBER 22034744 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [D.R.H.C.T.]; SAID 24.48-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING** at a 1/2-inch iron rod with “DOUCET” cap found for a corner in the northeasterly line of said 28.73-acre tract, for the northwest corner of the remainder of a called 35.40-acre tract, described to SHC Holdings, LLC, recorded in Volume 4595, Page 398 of the Official Public Records of Hays County, Texas [O.P.R.H.C.T.], same point being in the southeast line of Lot 14, A Hillside Village Subdivision, Section 1, as recorded in Volume 8, Page 148 of the Plat Records of Hays County, Texas [P.R.H.C.T.];

**THENCE**, S45°45’19”E, with the common line of said remainder of a called 35.40-acre tract and said 28.73-acre tract, a distance 184.91 feet to and **POINT OF BEGINNING** of the tract described herein;

**THENCE**, S45°45’19”E, continuing with the common line of said remainder of a called 35.40-acre tract and said 28.73-acre tract, a distance of 513.28 feet to a 1/2-inch iron rod with “DOUCET” cap set in the west line of Old Bastrop Road (County Road 266) as recorded in Document Number 21065985 [O.P.R.H.C.T.];

**THENCE**, with the common line of said 28.73-acre tract and said Old Bastrop Road (County Road 266), the following two (2) courses:

- 1) With a curve to the right, having an arc length of 338.89 feet, a radius of 624.93 feet, a delta angle of 31°04’14”, and a chord bearing of S36°46’51”W, a distance of 334.75 feet to a 1/2 inch iron rod with “DOUCET” cap set for a point of tangency, and
- 2) S52°18’59”W, a distance of 787.62 feet to a 1/2 inch iron rod with a “DOUCET” cap set for the southeast corner of said 28.73-acre tract, for the northeast corner of the remainder of a called 10.18-acre tract, described to James Blake Burns, recorded in Document Number 22010306 [D.R.H.C.T.] and for the southeast corner of the tract described herein;

**THENCE**, N46°06’31”W, with the common line of said 28.73-acre tract and said remainder of a called 10.18-acre tract, a distance of 1,317.01 feet to 1/2-inch iron rod found for the west corner of said 28.73-acre tract, for the northwest corner of said remainder of a called 10.18-acre tract, same point being in the southeast line of a called 59.826-acre tract described to SM Mcarty Lane 60 LLC, recorded in Document Number 22055143 [D.R.H.C.T.], and for the west corner of the tract described herein;

**THENCE**, N44°07’54”E, with the common line of said 28.73-acre tract and said 59.826-acre tract, a distance of 585.83 feet to a 1/2-inch iron rod with “DOUCET” cap set, for the most northern northwest corner of the tract described herein, from which a 1/2-inch iron rod with cap stamped “BYRN” found for the northwest corner of said 28.73-acre tract, bears N44°07’54”E, a distance of 111.36 feet;

**(CONTINUED ON NEXT PAGE)**



"Exhibit "-----"

**THENCE**, over and across of said 28.73-acre tract, the following six (6) courses:

- 1) S45°47'17" E, a distance of 788.44 feet to a 1/2-inch iron rod with "DOUCET" cap set for the beginning of a curve to the left of the tract described herein;
- 2) With a curve to the left, having an arc length of 169.12 feet, a radius of 250.00 feet, a delta angle of 38°45'34", and a chord bearing of S65°10'04"E, a distance of 165.91 feet to a 1/2 inch iron rod with "DOUCET" cap set for a corner of the tract described herein;
- 3) S84°32'51" E, a distance of 69.74 feet to a 1/2-inch iron rod with "DOUCET" cap set for an angle point of the tract described herein;
- 4) N05°27'09" E, a distance of 115.13 feet to a 1/2-inch iron rod with "DOUCET" cap set for the beginning of a curve to the right of the tract described herein;
- 5) With a curve to the right, having an arc length of 169.22 feet, a radius of 250.00 feet, a delta angle of 38°46'58", and a chord bearing of N24°50'38"E, a distance of 166.01 feet to a 1/2 inch iron rod with "DOUCET" cap set for an angle point of the tract described herein, and
- 6) N44°14'07"E, a distance of 188.42 feet to the **POINT OF BEGINNING** of the herein described tract and containing 24.48-acres more or less.

Notes:

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010. All coordinate values and distances shown are grid values and may be converted to surface by using the surface adjustment factor of 1.000129. Units: U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

I, Christopher W. Terry Registered Professional Land Surveyor, hereby certify that this description represents an actual survey performed on the ground under my supervision.

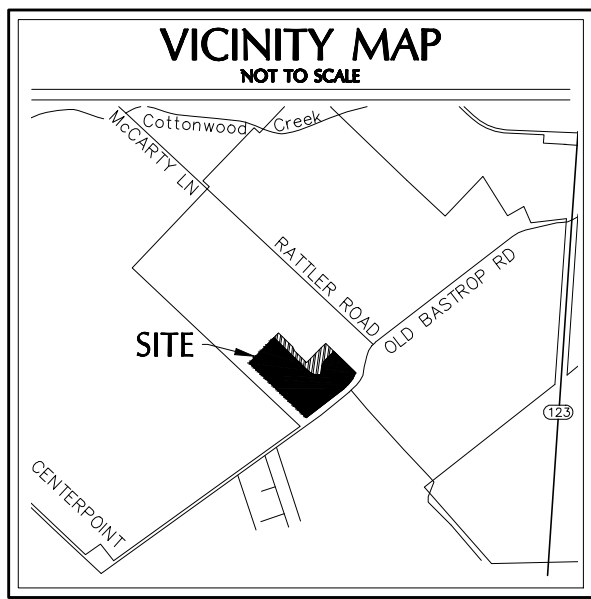


05/01/2023

Date

Christopher W. Terry  
Registered Professional Land Surveyor  
Texas Registration No. 6649  
Doucet & Associates, Inc.  
CTerry@DoucetEngineers.com  
TBPLS Firm No. 10105800





CYRUS WICKSON SURVEY, ABSTRACT NO. 474

LEGEND	
	PROPERTY LINE
	ADJOINER PROPERTY LINE
	1/2" IRON ROD FOUND [UNLESS NOTED]
	1/2" IRON ROD WITH "DOUCET" CAP SET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
C.R.	COUNTY ROAD
D.R.H.C.T.	DEED RECORDS, HAYS COUNTY, TEXAS
P.R.H.C.T.	PLAT RECORDS, HAYS COUNTY, TEXAS
O.P.R.H.C.T.	OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS

CONTROL NOTES:  
BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010). ALL COORDINATE VALUES AND DISTANCES SHOWN ARE GRID VALUES AND MAY BE CONVERTED TO SURFACE BY USING THE SURFACE ADJUSTMENT FACTOR OF 1.000129. UNITS: US SURVEY FEET.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

FLOODPLAIN NOTE:  
THIS PROPERTY (AS SHOWN HEREON) IS LOCATED WITHIN UNSHADED ZONE 'X' (AREA OF MINIMAL FLOOD HAZARD), AS SHOWN ON F.I.R.M. PANEL NO. 48209C0479F, HAYS COUNTY, TEXAS DATED SEPTEMBER 02, 2005. THIS TRACT IS LOCATED WITHIN THE EDWARDS AQUIFER CONTRIBUTING ZONE.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

I, CHRISTOPHER W. TERRY, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION.

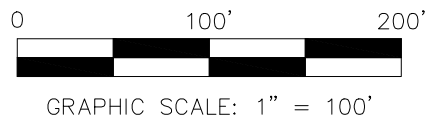
05/01/2023

CHRISTOPHER W. TERRY  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6649  
DOUCET & ASSOCIATES, INC.  
CTERRY@DOUCETENGINEERS.COM



SM MCARTY LANE 60 LLC  
CALLED 59.826 ACRES  
DOC. NO. 22055143  
D.R.H.C.T.

1/2" BYRN  
SURVEY



JAMES BLAKE BURNS  
CALLED 10.18 ACRES  
DOC. NO. 22010306  
D.R.H.C.T.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S84°32'51"E	69.74'
L2	N05°27'09"E	115.13'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	338.89'	624.93'	31°04'14"	S36°46'51"W	334.75'
(C1)	338.89'	624.93'	31°04'14"	S36°46'51"W	334.75'
C2	169.12'	250.00'	38°45'34"	S65°10'04"E	165.91'
C3	169.22'	250.00'	38°46'58"	N24°50'38"E	166.01'

24.48 ACRES  
(1,066,134 SQ. FT.)

FREIT LLC  
RONI REALTY LLC AND  
ELGIN VENTURES LLC,  
CALLED 28.73 ACRES  
DOC. NO. 22034744  
D.R.H.C.T.

HAYS COUNTY  
CALLED 0.0937 ACRES  
DOC. NO. 21047120  
O.P.R.H.C.T.

OLD BASTROP ROAD (CR. 266)  
VARIABLE WIDTH R.O.W.  
(NO RECORDING INFORMATION FOUND)

**DOUCET**  
Civil Engineering // Entitlements // Geospatial  
7401 B. Highway 71 W, Ste. 160  
Austin, TX 78735, Tel: (512)-583-2600  
www.doucetengineers.com  
TBPELS Firm Number: 3937  
TBPELS Firm Number: 10194551

Date: 05/01/2023  
Scale: 1" = 100'  
Drawn by: JRT  
Reviewer: CWT  
Project: 2521-001  
Sheet: 3 OF 3  
Field Book: 577  
Party Chief: JSM  
Survey Date: 04/26/2023



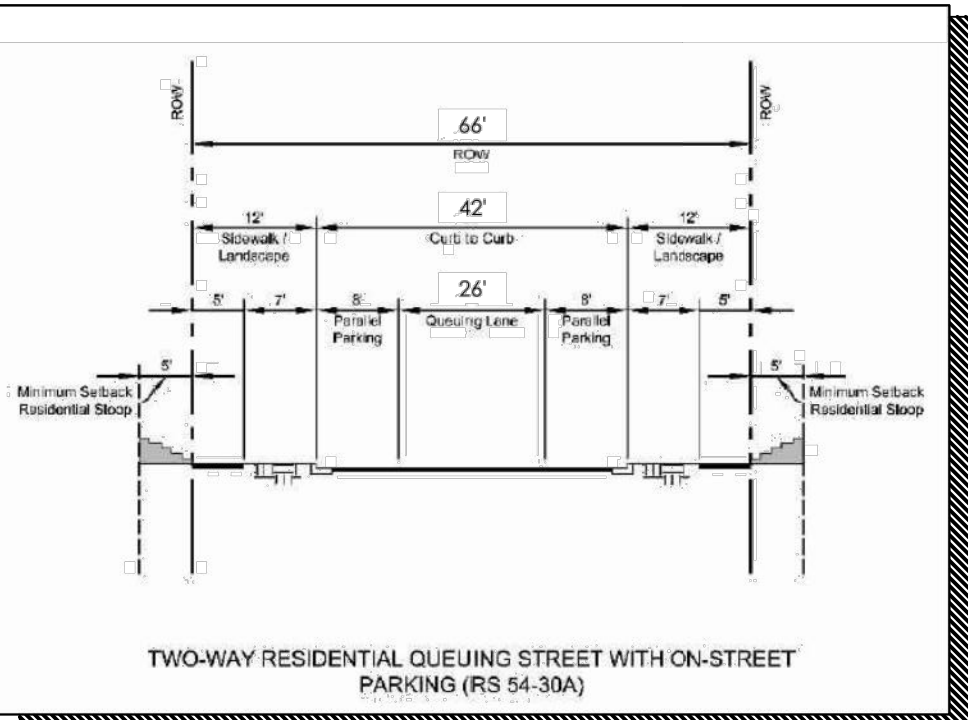


**A** SITE LOCATION  
OLD BASTROP ROAD  
SCALE: N.T.S.

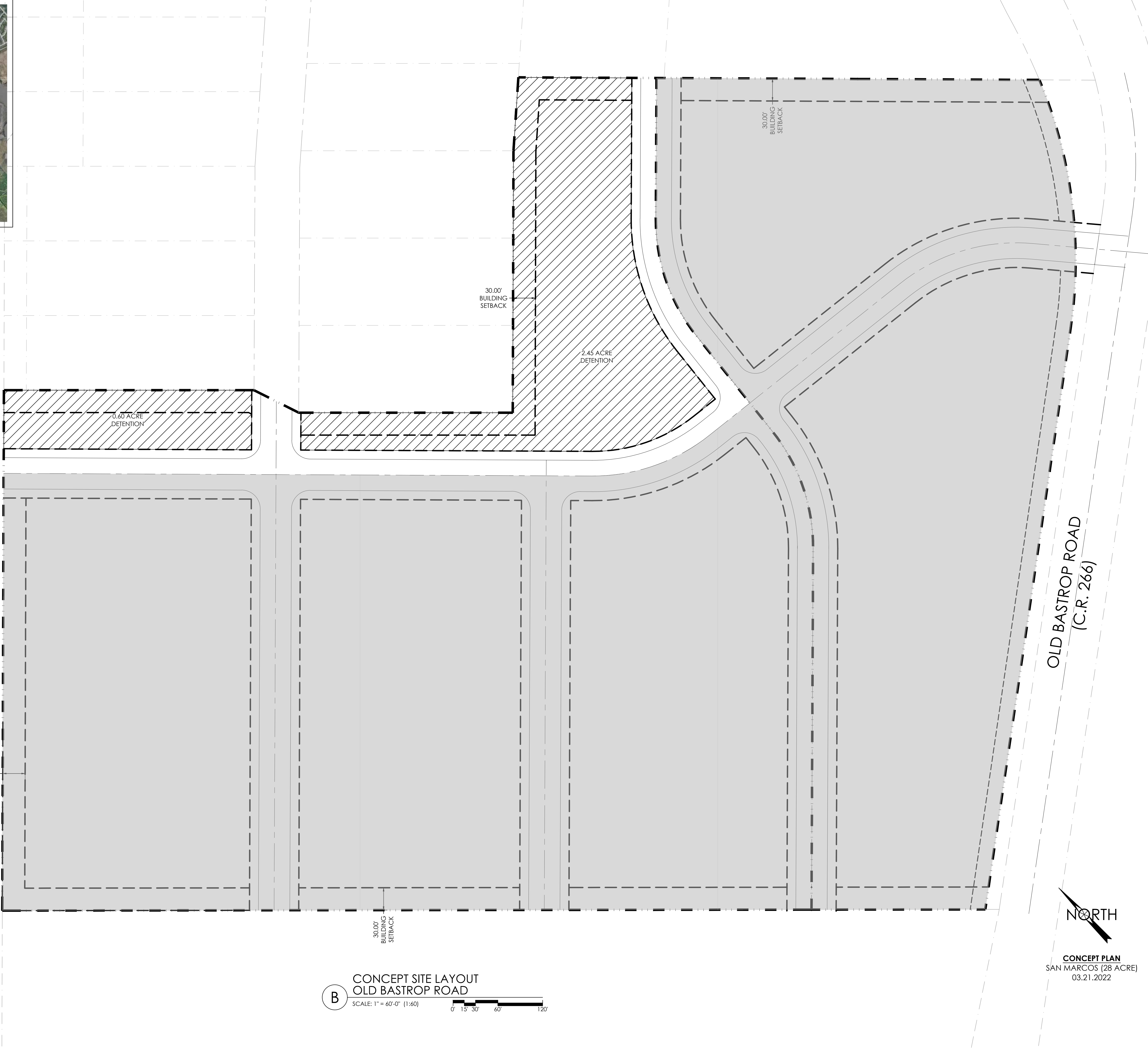
**CD-5 ZONING REQUIREMENTS (4.4.3.5)**

<b>PROPERTY INFO:</b>	
28.73 ACRES	
26' PAVED ROAD	
<b>BLDG TYPE:</b>	
APARTMENT	
<b>COMMERCIAL INFO:</b>	
9.73 ACRES	

GENERAL DESCRIPTION		TRANSPORTATION		
The CD-5 district is intended to provide for a variety of residential, retail, service and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.		Block Perimeter	2,000 ft. max.	Section 3.6.2.1
		Streetscape Type	Main Street Main Way	Section 3.8.1.9 Section 3.8.1.9
DENSITY		BUILDING TYPES ALLOWED		
Impervious Cover	100% max.	Accessory Dwelling	Section 4.4.5.1	
		Townhouse	Section 4.4.5.7	
		Apartment	Section 4.4.5.10	
		Live/Work	Section 4.4.5.11	
		Mixed Use Shopfront	Section 4.4.5.14	
		Civic Building	Section 4.4.5.15	
BUILDING STANDARDS		PARKING LOCATION		
Building Height (Max.)	5 stories* 75 ft.	LAYER (SECTION 4.3.3.1)	Services	Garage
Building Height (Min.)	2 stories 24 ft.	First Layer	Not Allowed	Not Allowed
Ground Floor Elevation	2' min for ground floor residential	Second Layer	Allowed along secondary street only	Not Allowed
* May be exceeded with Alternative Compliance (see Section 4.3.4.5)		Third Layer	Allowed	Allowed
LOT		BUILD-TO-ZONE (BTZ)		
BUILDING TYPE	LOT AREA	LOT WIDTH		
Townhouse	1,500 sq. ft. min.	15 ft. min.	Building Facade in primary street	80% min.
Apartment Building	2,000 sq. ft. min.	20 ft. min.	Building Facade in secondary street	60% min.
Live/Work	1,100 sq. ft. max.	15 ft. min.		
Mixed Use Shopfront	2,000 sq. ft. min.	20 ft. min.	DURABLE BUILDING MATERIAL AREA	
Civic Building	2,000 sq. ft. min.	20 ft. min.	Primary Material	80% min.
			Secondary Material	20% max.
			Blank Wall Area	25 ft. max.
SETBACKS - PRINCIPAL BUILDING				
Primary Street	0 ft. min./12 ft. max.			
Secondary Street	0 ft. min./12 ft. max.			
Side	0 ft. min.			
Rear	0 ft. min.			
Rear, abutting alley	3 ft. min.			



- STREET DESIGN NOTES:
1. STREET SHALL BE DESIGNED TO 25 MPH.
  2. MIN. STOPPING SIGHT DISTANCE IS 155'.
  3. MIN. CENTERLINE RADIUS SHALL BE 160'.
  4. MIN. TANGENT DISTANCE BETWEEN CURVES SHALL BE 50'.
  5. MAX. ALLOWABLE ROADWAY GRADE SHALL BE 8%.
  6. MIN. CURB RETURN RADI AT INTERSECTIONS SHALL BE 20'.
  7. MAX. ANGLE OF DEFLECTION OF INTERSECTING STREETS SHALL BE 80° TO 100°.
  8. MIN. INTERSECTION SPACING SHALL BE 300'.



**B** CONCEPT SITE LAYOUT  
OLD BASTROP ROAD  
SCALE: 1" = 60'-0" (1:60)

CONCEPT PLAN  
SAN MARCOS (28 ACRE)  
03.21.2022





**A** SITE LOCATION  
OLD BASTROP ROAD  
SCALE: N.T.S.

**CD-5 ZONING REQUIREMENTS (4.4.3.5)**

**PROPERTY INFO:**  
28.73 ACRES  
26' PAVED ROAD

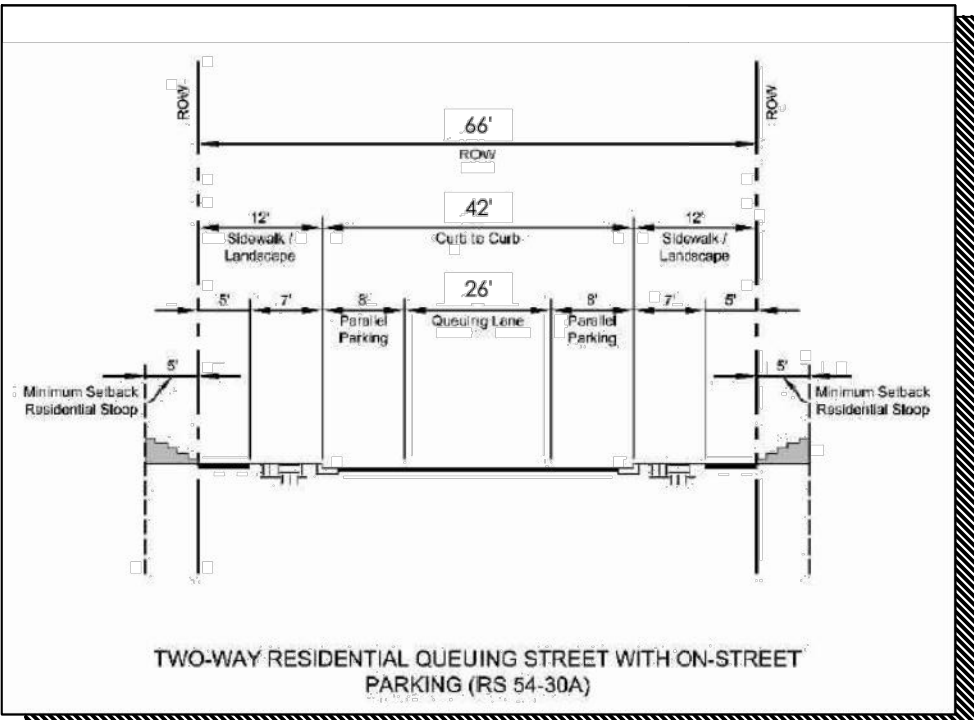
**BLDG INFO:**  
TOTAL = 26 (2BR/2BA)  
12 UNITS/BUILDING (3 STORY BLDGS = 4 UNITS/FLOOR)

**BLDG TYPE:**  
APARTMENT

**COMMERCIAL INFO:**  
7.369 ACRES

**GREEN SPACE:**  
5.29% (Only includes designated Green Space Area)

GENERAL DESCRIPTION			TRANSPORTATION		
The CD-5 district is intended to provide for a variety of residential, retail, service and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.			Block perimeter	2,000 ft. max	Section 3.6.2.1
			Streetscape type	Main Street	Section 3.6.1.9
			Streetscape type	Main Street	Section 3.6.1.9
DENSITY			BUILDING TYPES ALLOWED		
Impervious Cover	100% max		Accessory Dwelling	Section 4.4.5.1	
			Townhouse	Section 4.4.5.7	
			Apartment	Section 4.4.5.10	
			Live/Work	Section 4.4.5.11	
			Mixed Use Shopfront	Section 4.4.5.14	
			Civic Building	Section 4.4.5.15	
BUILDING STANDARDS			PARKING LOCATION		
Building Height (Max)	5 stories	75 ft.	Letter (Section 4.3.3.1)	Source	Garage
Building Height (Min)	2 stories	24 ft.	First Layer	Not Allowed	Not Allowed
Ground Floor Elevation	2' min for ground floor residential		Second Layer	Allowed along secondary street only	Not Allowed
* May be exceeded with Alternative Compliance (see Section 4.3.4.5)			Third Layer	Allowed	Allowed
LOT			BUILD-TO-ZONE (BTZ)		
Building Type	Lot Area	Lot Width	Building Facade in primary street	80% min.	
Townhouse	1,500 sq. ft. min. 15 ft. min.	15 ft. min.	Building Facade in secondary street	60% min.	
Apartment Building	2,000 sq. ft. min. 20 ft. min.	20 ft. min.			
Live/Work	1,100 sq. ft. max. 15 ft. min.	15 ft. min.			
Mixed Use Shopfront	2,000 sq. ft. max. 20 ft. min.	20 ft. min.			
Civic Building	2,000 sq. ft. min. 20 ft. min.	20 ft. min.			
SETBACKS - PRINCIPAL BUILDING			DURABLE BUILDING MATERIAL AREA		
Primary Street	0 ft. min./12 ft. max.		Primary Material	80% min.	
Secondary Street	0 ft. min./12 ft. max.		Secondary Material	20% max.	
Side	0 ft. min.		Spoke Wall Area	25 ft. max.	
Rear	0 ft. min.				
Rear, abutting alley	3 ft. min.				



- STREET DESIGN NOTES:**
1. STREET SHALL BE DESIGNED TO 25 MPH.
  2. MIN. STOPPING SIGHT DISTANCE IS 155'.
  3. MIN. CENTERLINE RADIUS SHALL BE 160'.
  4. MIN. TANGENT DISTANCE BETWEEN CURVES SHALL BE 50'.
  5. MAX. ALLOWABLE ROADWAY GRADE SHALL BE 8%.
  6. MIN. CURB RETURN RADI AT INTERSECTIONS SHALL BE 20'.
  7. MAX. ANGLE OF DEFLECTION OF INTERSECTING STREETS SHALL BE 80° TO 100°.
  8. MIN. INTERSECTION SPACING SHALL BE 300'.

30.00'  
BUILDING  
SETBACK

RESIDENTIAL AREA  
+/- 21.51 ACRES

30.00'  
BUILDING  
SETBACK

CONCEPT SITE LAYOUT  
OLD BASTROP ROAD

SCALE: 1" = 60'-0" (1:60)

0' 15' 30' 60' 120'

30.00'  
BUILDING  
SETBACK

2.45 ACRE  
DETENTION

COMMERCIAL AREA  
+/- 7.22 ACRES

OLD BASTROP ROAD  
(C.R. 266)

NORTH

CONCEPT PLAN  
SAN MARCOS (28 ACRE)  
03.21.2022





EXECUTED effective as of July 14<sup>th</sup> (TM), 2022.

GRANTOR:

SHC HOLDINGS, LLC  
a Texas limited liability company

By: [Signature]  
Dr. Samir Patel, Authorized Agent

Address of Grantee:

5108 Sky Lake Dr.  
Plano, TX 75093

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 14<sup>th</sup> day of July, 2022 by Dr. Samir Patel, Authorized Agent of SHC HOLDINGS, LLC, a Texas limited liability company, on behalf of said limited liability company.

[Signature]

Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

CORRIDOR TITLE, LLC

21-5111-C

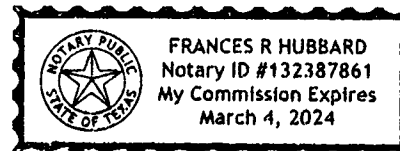




Exhibit "A"

74018 Highway 71 West, Suite 160  
 Austin, TX 78735  
 Office: 512.583.2600  
 Fax: 512.583.2601  
 DoucetEngineers.com

Rattler Road Development  
 Hays County, Texas

D&A Job No. 1787-001  
 January 14, 2022

**METES & BOUNDS DESCRIPTION**

**BEING A 28.73 ACRE TRACT OF LAND IN THE CYRUS WICKSON SURVEY, ABSTRACT NUMBER 474, BEING A PORTION OF THE REMAINDER OF A CALLED 35.40 ACRE TRACT OF LAND DESCRIBED IN A DEED TO SHC HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, RECORDED IN VOLUME 4595, PAGE 398 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.]; SAID 28.73 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2-inch iron rod with "DOUCET" cap set in the common line of the remainder of the said 35.40-acre tract and Lot 14, A Hillside Village Subdivision, Section 1, as recorded in Volume 8, Page 148 of the Plat Records of Hays County, Texas [P.R.H.C.T.], for the eastern north corner and **POINT OF BEGINNING** of the tract described herein;

**THENCE**, S45°45'12"E, over and across the remainder of the said 35.40 acre tract, a distance of 698.13 feet to a 1/2-inch iron rod with "DOUCET" cap set in the west line of a called 1.2956-acre tract described in a deed to Hays County, recorded in Document Number 21065985 [O.P.R.H.C.T.], from which a 1/2" iron rod with a "DOUCET" cap set on the east line of the said 1.2956-acre tract bears S45°45'41"E, a distance of 75.00 feet;

**THENCE**, with the west line of the said 1.2956-acre tract, the following two (2) courses and distances:

- 1) With a curve to the right, having an arc length of 338.89 feet, a radius of 624.93 feet, a delta angle of 31°04'14", and a chord bearing of S36°46'51"W, a distance of 334.75 feet to a 1/2 inch iron rod with "DOUCET" cap set for a point of tangency, and
- 2) S52°18'59"W, a distance of 787.62 feet to a 1/2 inch iron rod with a "DOUCET" cap set on the north line of a called 10.265-acre tract, described in a deed to Roy R. Mendoza and wife Maria G. Mendoza, recorded in Volume 2761, Page 162 [O.P.R.H.C.T.], same being the south line of the remainder of the said 35.40-acre tract, for the south corner of the tract described herein, from which a 1/2" iron rod found at the southeast corner of the said 1.2956-acre tract bears S46°06'13"E, a distance of 18.70 feet;

**THENCE**, N46°06'13"W, with the south line of the remainder of the said 35.40-acre tract and the north line of the said 10.265-acre tract, a distance of 1,317.04 feet to 1/2-inch iron rod found at the west corner of the remainder of the said 35.40-acre tract, same being at the north corner of said 10.265-acre tract, and being in the southeast line of a called 60.435-acre tract described in a deed to Julian Perez and Martina Cura LP, recorded in Volume 3698, Page 591 [O.P.R.H.C.T.], for the west corner of the tract described herein;

(CONTINUED ON NEXT PAGE)

COMMITMENT YOU EXPECT.  
 EXPERIENCE YOU NEED.  
 PEOPLE YOU TRUST.



**THENCE**, N44°08'35"E, with the northwest line of the remainder of the said 35.40-acre tract and the southeast line of the said 60.435 acre tract, a distance of 697.25 feet to a 1/2-inch iron rod found at the western north corner of the remainder of the said 35.40 acre tract, same being at the west corner of the said A Hillside Village Subdivision, Section 1, and at the west corner of Lot 9 of said A Hillside Village Subdivision, Section 1, for the western north corner of the tract described herein;

**THENCE**, S46°01'51"E, with the common line of the remainder of the said 35.40-acre tract and said Lot 9, a distance of 335.04 feet to a 1/2-inch iron rod found for the south corner of said Lot 9, same being in the northwest right-of-way line of Cerro Vista Drive, a 60-foot wide right-of-way recorded in Volume 8, Page 148 [P.R.H.C.T.];

**THENCE**, S19°22'40"E, continuing with the westerly northeast line of the remainder of the said 35.40-acres and the southerly terminus right-of-way line of Cerro Vista Drive, for a distance of 67.29 feet to a 1/2-inch iron rod found in the southeast right-of-way line of Cerro Vista Drive, same being the west corner of Lot 17 of said A Hillside Village, Section 1;

**THENCE**, with the common lines of the remainder of the said 35.40-acre tract and Lots 17, 16, 15, and 14 of said A Hillside Village, Section 1, the following three (3) courses and distances:

- 1) S46°02'02" E, a distance of 286.55 feet to a 1/2-inch iron rod found for the south corner of the said Lot 17.
- 2) N44°07'40"E, passing at a distance of 233.93 feet, a 1/2-inch iron rod found for the south corner of Lot 15, same being the east corner of Lot 16, and continuing for a total distance of 350.84 feet to 1/2-inch iron rod found for an angle point in a northwest line of the remainder of the said 35.40-acre tract and the herein described tract, same being the common south corner of said Lots 15 and 14, and,
- 3) N47°46'10"E, a distance of 98.75 feet to the **POINT OF BEGINNING** of the herein described tract and containing 28.73 acres more or less.

Basis of bearings is the Texas Coordinate System, South Central Zone [4204], NAD83 (2011), Epoch 2010.  
Units: U.S. Survey Feet.

I, John Barnard Registered Professional Land Surveyor, hereby certify that this description represents an actual survey performed on the ground under my supervision.

A handwritten signature of John Barnard in black ink.

01/14/2022

Date

John Barnard  
Registered Professional Land Surveyor  
Texas Registration No. 5749  
Doucet & Associates, Inc.  
JBarnard@DoucetEngineers.com  
TBPLS Firm No. 10105800





**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

22034744 DEED  
07/18/2022 08:25:41 AM Total Fees: \$38.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas





# Public Hearing

## ZC-23-05

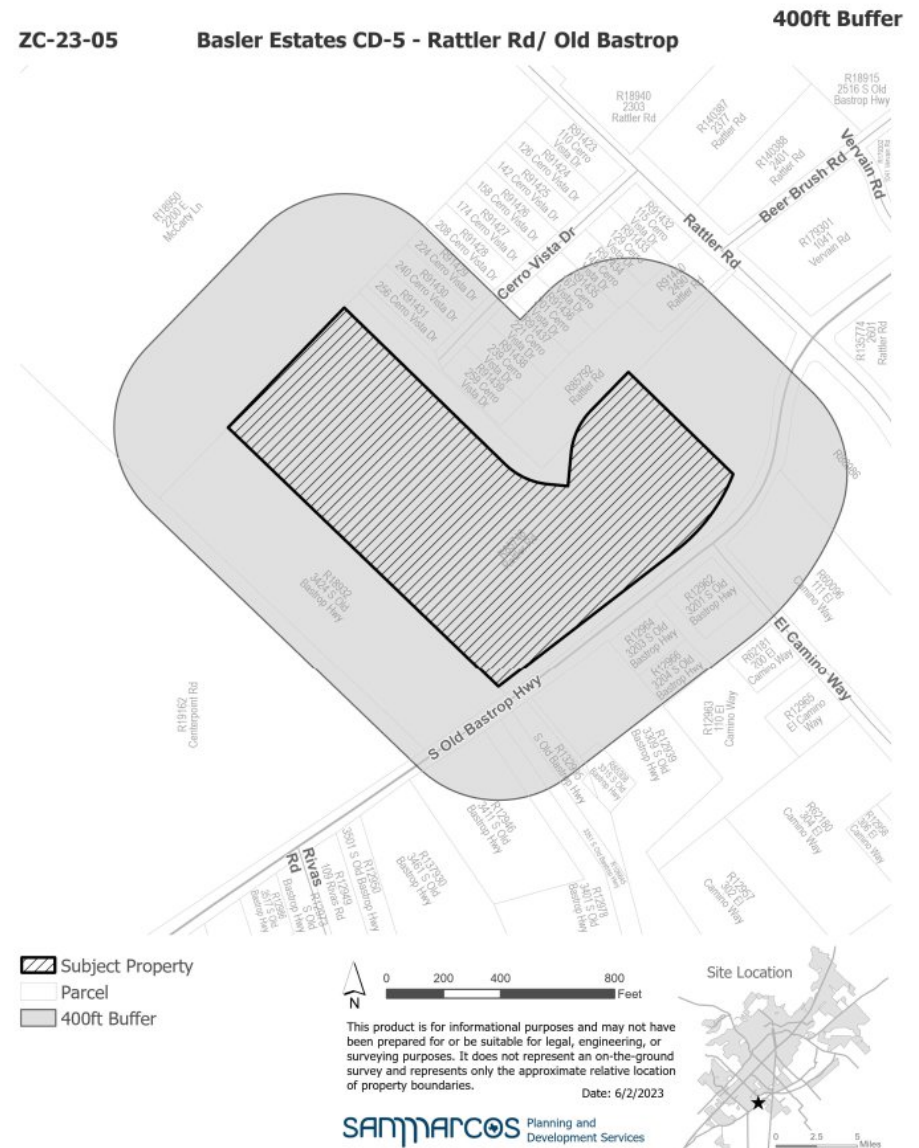
### **Basler Estates CD-3 to CD-5**

Hold a public hearing and consider a request by Doucet and Associates, on behalf of Roni Realty LLC, FREIT LLC, and Elgin Ventures LLC, for a Zoning Change from Character District-3 (CD-3) to Character District-5 (CD-5), or, subject to consent of the owner, another less intense zoning district classification, for approximately 24.48 +/- acres of land, more or less, out of the Cyrus Wickson Survey, Abstract No. 474 in Hays County Texas, generally located on S Old Bastrop Hwy approximately 550' southwest of the intersection between S Old Bastrop Highway and Rattler Rd. (J. Cleary)



# Property Information

- Approximately 24 acres
- Located near the intersection of S Old Bastrop Hwy and Rattler Rd.
- Located within City Limits





# Context & History

- Annexed and Zoned to CD-3 in January 2020 (Ord 2020-02)
- Currently Vacant
- Surrounding Uses
  - Residential
  - Vacant

ZC-23-05

Basler Estates CD-5 - Rattler Rd/ Old Bastrop

Aerial



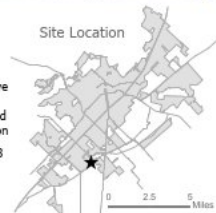
- Subject Property
- Parcel
- City Limit



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Date: 5/19/2023

SAN MARCOS Planning and Development Services

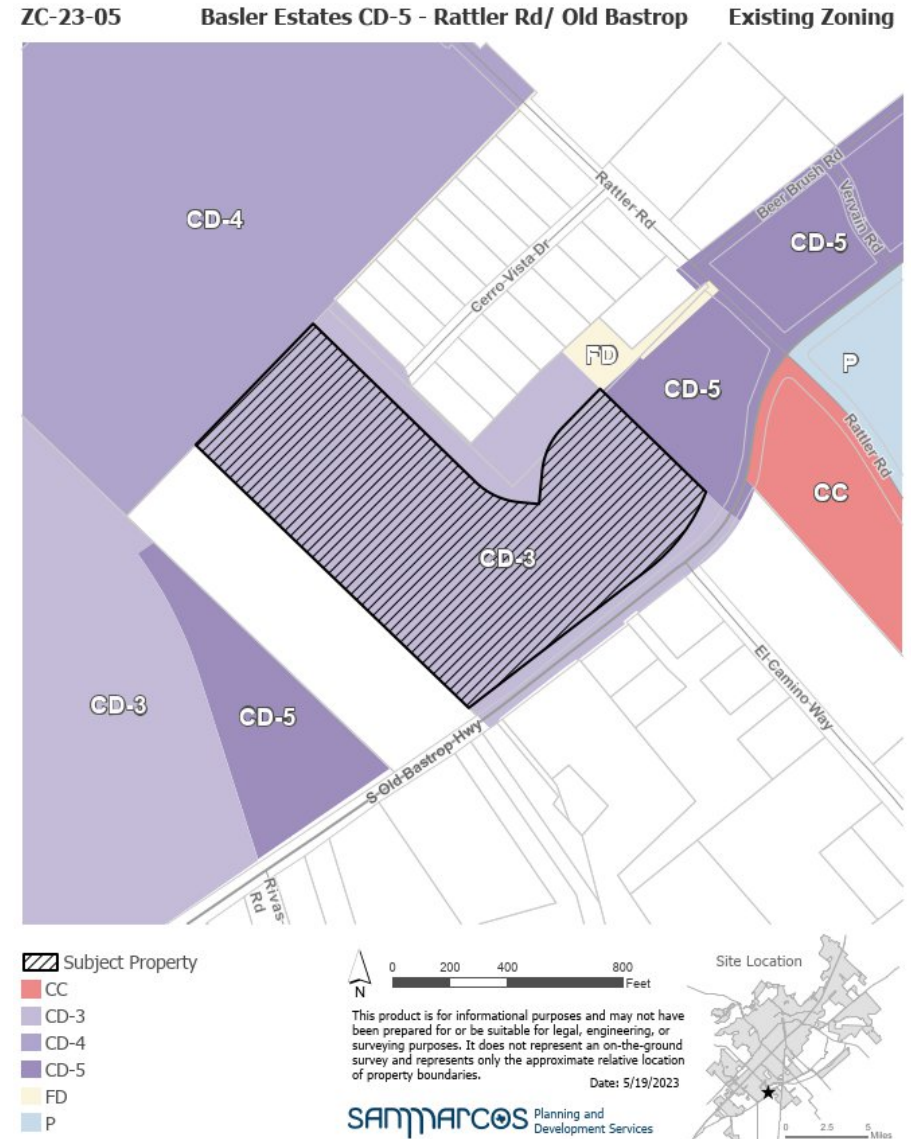






# Context & History

- Existing Zoning:  
Zoning District (CD-3)
  - Allows low intensity residential such as single-family homes, duplexes and zero lot line homes with some civic uses.
- Proposed Zoning:  
Zoning District (CD-5)
  - Allows higher density residential such as apartments along with pedestrian oriented commercial uses.





## Comprehensive Plan Analysis

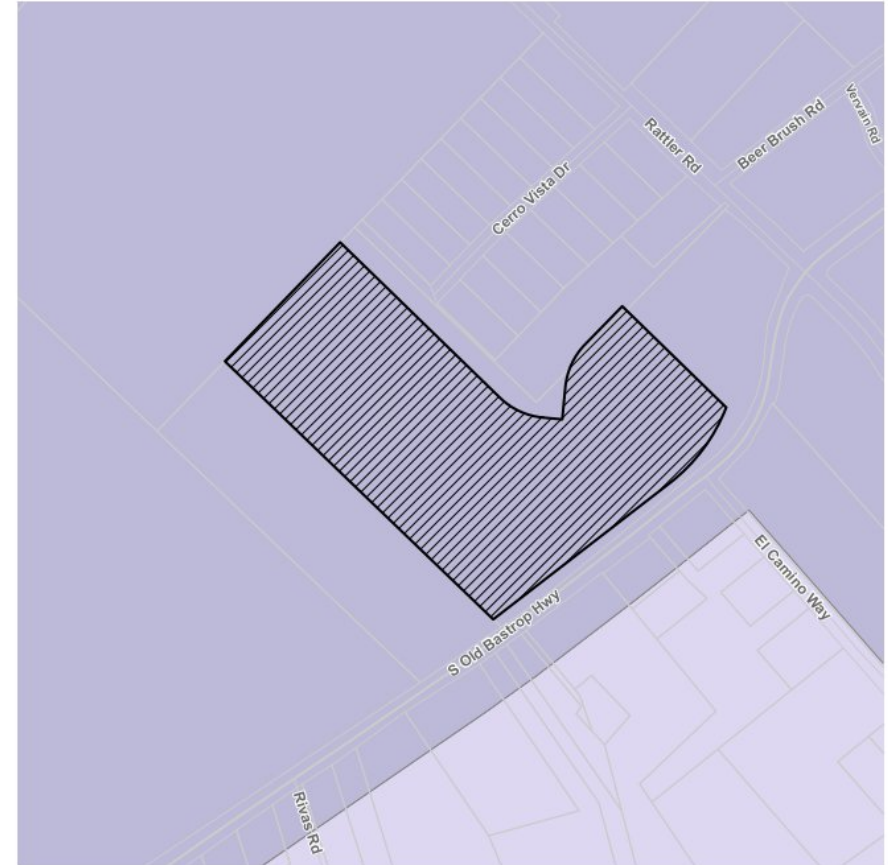
**Step 1:** Where is the property located on the Comprehensive Plan?

- Existing Preferred Scenario: Medium (East Village)
- “An area of change intended to accommodate the City’s future growth and expansion where people can meet their daily needs within a short walk, bike, transit trip, or drive” (4.1.1.6)

ZC-23-05

Basler Estates CD-5 - Rattler Rd/ Old Bastrop

Preferred Scenario



- Subject Property
- Parcels
- Medium Intensity
- Low Intensity



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Date: 5/19/2023

SAN MARCOS Planning and Development Services





## Comprehensive Plan Analysis

**Step 2:** Is the request consistent with the Comprehensive Plan / District Translation Table?

**“Character District- 5” (CD-5) within a “Medium Intensity Zone.”**

**TABLE 4.1 COMPREHENSIVE PLAN / DISTRICT TRANSLATION**

DISTRICT CLASSIFICATION	COMPREHENSIVE PLAN DESIGNATIONS				
	OPEN SPACE/ AGRICULTURAL	LOW INTENSITY	EXISTING NEIGHBORHOOD	MEDIUM OR HIGH INTENSITY ZONE	EMPLOYMENT CENTER
Conventional Residential	NP	NP	C	PSA	PSA
Neighborhood Density Districts	NP	NP	See Section 4.1.2.4 - 4.1.2.5	NP	NP
Character Districts	NP	See Section 4.1.2.6	PSA	C	NP
Special Districts	PSA	NP	PSA	NP	C
Legend	PSA = Not Allowed (PSA Required)		NP=Not Preferred		C = Consider



# Zoning Analysis

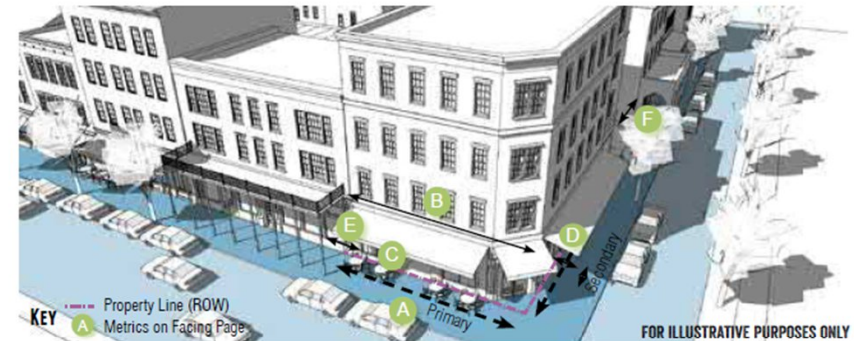
- Promotes Mixed Use and Pedestrian-Oriented Activity
- Accessory Dwelling, Townhouse, Apartment, Live/Work, Mixed Use Shopfront, Civic Building
- Higher Density Residential, Commercial, and Retail Uses
- Applicant proposing mixed use (multifamily w/ commercial adjacent Old Bastrop Hwy)

## 4 CHAPTER

## ZONING REGULATIONS

### CD-5

#### SECTION 4.4.3.6 CHARACTER DISTRICT - 5



#### GENERAL DESCRIPTION

The CD-5 district is intended to provide for a variety of residential, retail, service and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.

#### DENSITY

Impervious Cover	100% max.
------------------	-----------

#### TRANSPORTATION

Block Perimeter	2,000 ft. max	Section 3.6.2.1
Streetscape Type	Main Street Multi-Way	Section 3.8.1.6 Section 3.8.1.9

#### BUILDING TYPES ALLOWED

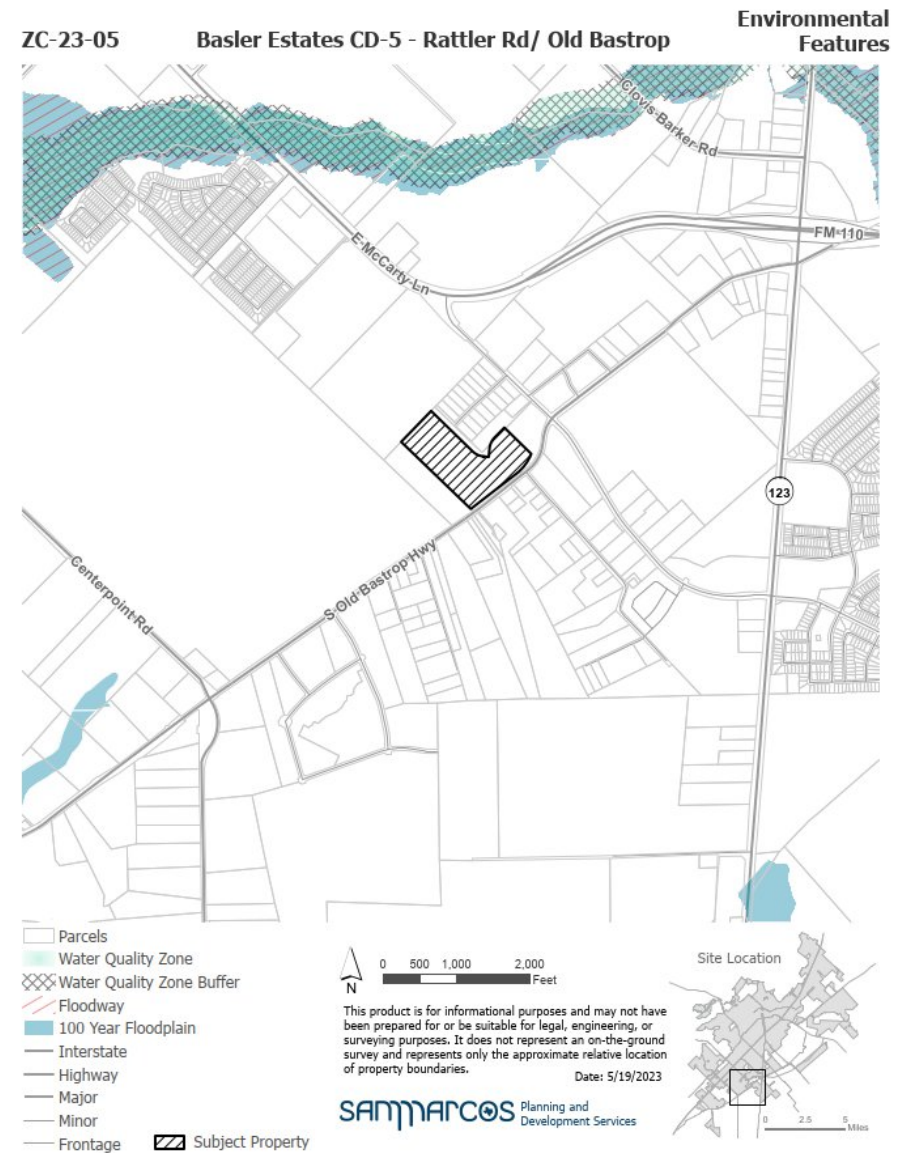
Accessory Dwelling	Section 4.4.6.1
Townhouse	Section 4.4.6.6
Apartment	Section 4.4.6.9
Live/ Work	Section 4.4.6.10
Mixed Use Shopfront	Section 4.4.6.13
Civic Building	Section 4.4.6.14





# Environmental Analysis

- Identified as “Least Constrained” on the Land Use Suitability Map
- Not located within the floodway or 100-year floodplain.
- Not located within the Edwards Aquifer contributing zone, Recharge Zone, or Transition zone.





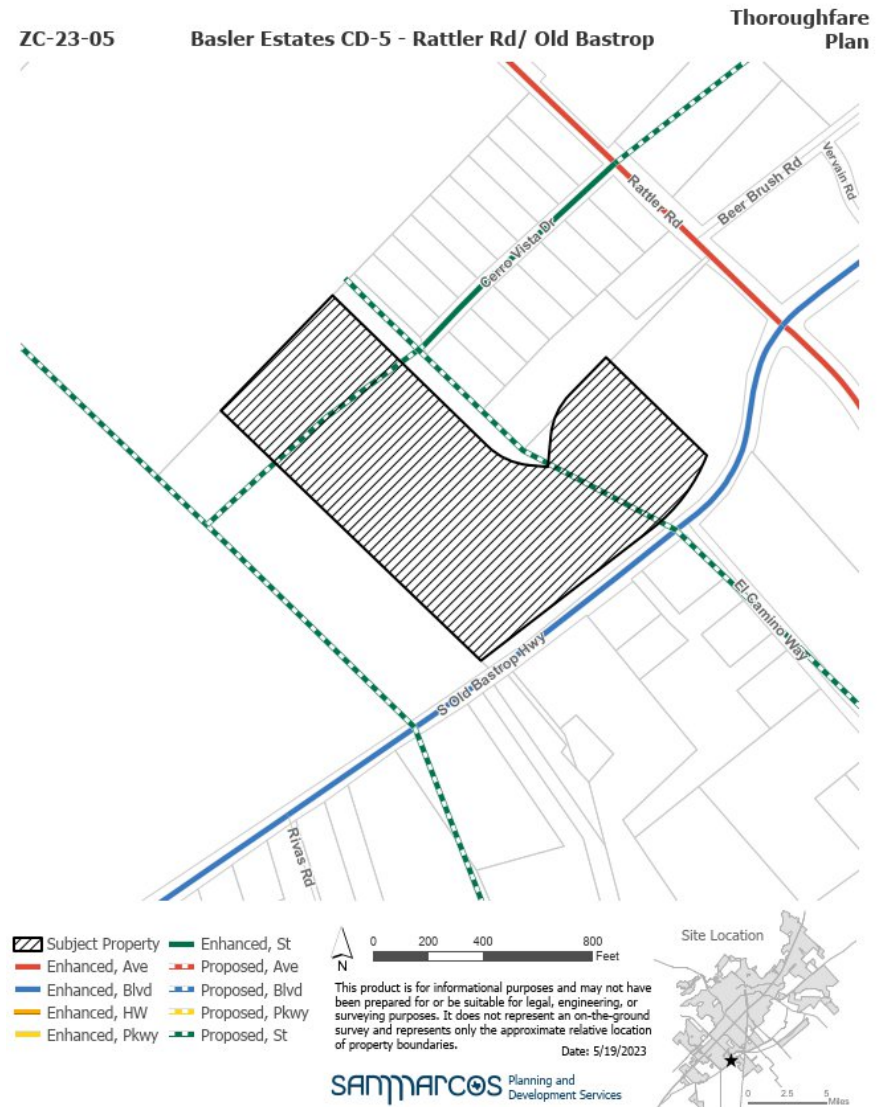
# Infrastructure

- **Streets**

- Streetscape Improvements
- Transportation Master Plan
- Block perimeter (2,000 feet)
- Bicycle & Sidewalk connections

- **Utilities**

- City of San Marcos Water / Wastewater
- Pedernales Electric





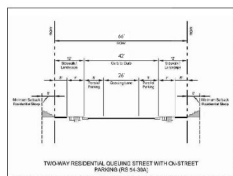
# Recommendation

- Staff recommends **approval** of ZC-23-05 as presented.

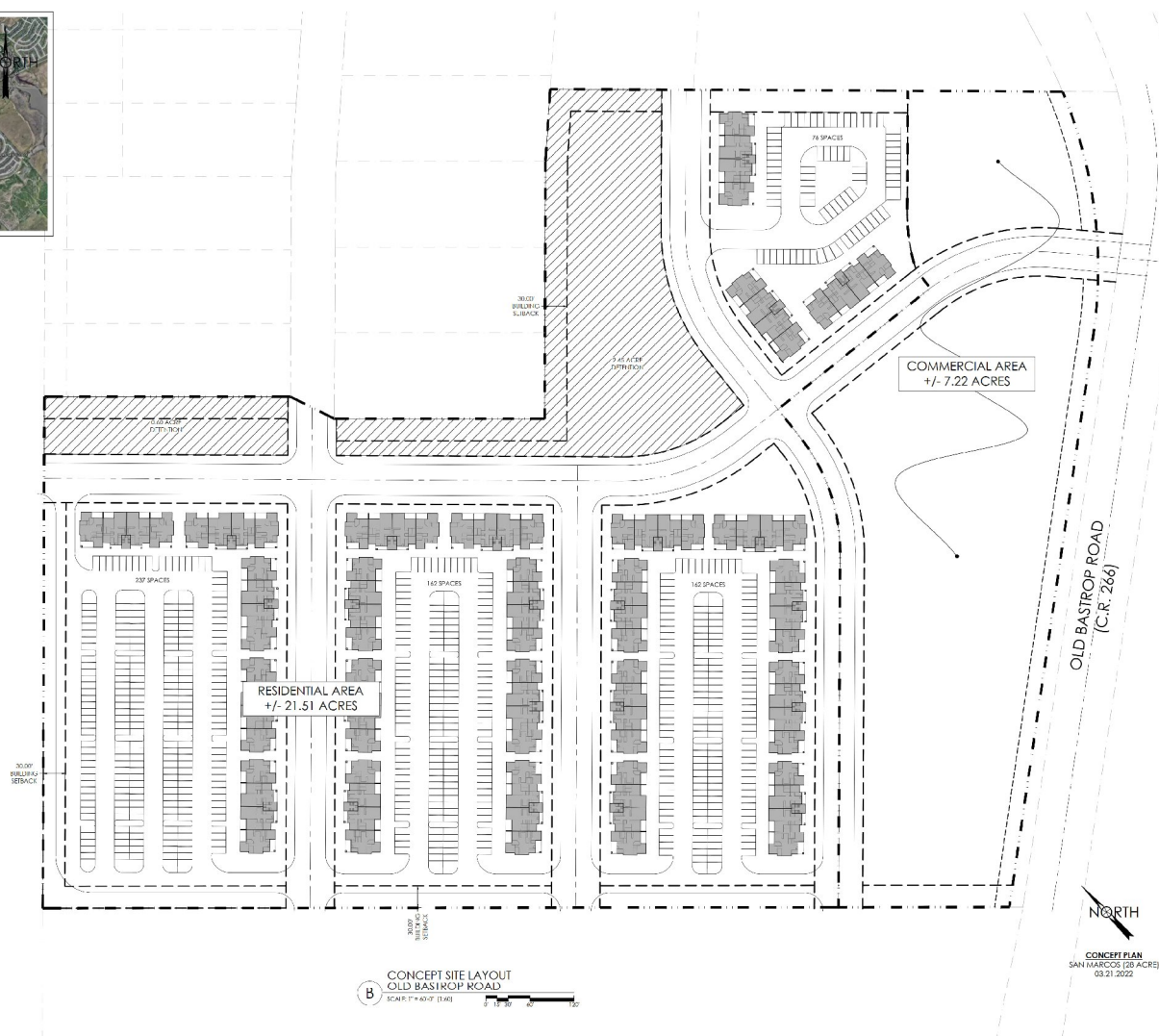


**A** SITE LOCATION  
OLD BASTROP ROAD  
SEALING N.E.S.C.

MELPHRY BLDG.  
281/3 ACRLS  
261 PAVED ROAD  
  
BLDG 10 CX  
TOTAL 26 (28/28)X  
12 BRKS/BLK 31KG (51 SUBT N IXS + 4 BRKS/HXOR)  
  
BLDG TYPE:  
APARTMENT  
  
COMMON (CSA) BLDG:  
7.369 ACRES  
  
GREEN SPACE:  
N 29% (Only includes designated Green Space Area)

[illegible]

- STREET DESIGN NOTES:**
1. STREET SHALL BE DESIGNED TO 25 MPH.
  2. MAX STOPPING SIGHT DISTANCE IS 130'.
  3. MAX CENTER LINE RADIUS SHALL BE 140'.
  4. MAX TANGENT DISTANCE BETWEEN CURVES SHALL BE 50'.
  5. MAX ALLOWABLE ROADWAY GRADE SHALL BE 8%.
  6. MAX CURVE RADIUS AT INTERSECTION SHALL BE 20'.
  7. MAX ANGLE OF DEFLECTION OR INTERSECTING STRAIGHTS SHALL BE 90° TO 120°.
  8. MAX MINIMUM SPACING SHALL BE 300'.







## Zoning District Comparison Chart

Topic	Existing Zoning: Character District – 3 (CD-3)	Proposed Zoning: Character District – 5 (CD-5)
<b>Zoning Description</b>	The CD-3 District is primarily intended to accommodate one- and two-family houses. Uses that would substantially interfere with the residential nature of the district are not allowed	The CD-5 district is primarily intended to provide a variety of residential, retail, service, and commercial uses. To promote walkability and compatibility, auto-oriented uses are restricted. CD-5 promotes mixed use and pedestrian-oriented activity.
<b>Uses</b>	Residential (See Land Use Matrix)	Residential, Commercial, Office, etc. (See Land Use Matrix)
<b>Parking Location</b>	Parking allowed in the Second and Third Layer	No parking in the 1st layer; Parking allowed in 2 <sup>nd</sup> layer along secondary street only
<b>Parking Standards</b>	2 spaces per dwelling unit	Dependent upon use
<b>Max Residential Units per acre</b>	10 units per acre (max)	N/A
<b>Occupancy Restrictions</b>	N/A	N/A
<b>Landscaping</b>	Tree and shrub requirements	Tree and shrub requirements
<b>Building Height (max)</b>	2 stories	2 stories (min), 5 stories (max) *Additional stories can be allowed by City Council via alternative compliance
<b>Setbacks</b>	15' front Setback, 5' side setback (interior), 10' side setback (corner), 15' rear set back.	0' minimum/12' max front, 0' side, and 0' rear
<b>Impervious Cover (max)</b>	60%	100%
<b>Lot Sizes</b>	Minimum 4,500 sq ft lot area, Minimum 30-40' ft lot width	Allows a variety of lot sizes depending on Building Type with 1,100 sq ft in area and 15' lot in width being the smallest allowed minimums
<b>Streetscapes</b>	Residential Street: 5' sidewalk, street trees every 50' on center average, 7' planting area between sidewalk and street required	Main Street: 10' sidewalk, street trees every 35' on center average, 7' planting area between sidewalk and street required
<b>Blocks</b>	2,800' Block Perimeter max	2,000 ft. block perimeter max